

# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## नोटिस

## NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 26 जुलाई 1966 तक प्रकाशित किये गये।

The undermentioned Gazettes of India Extraordinary were published upto the 26th July, 1966 :—

Issue No.	No. and Date	Issued by	Subject
224	S.O. 2145, dated 18th July, 1966.	Ministry of Commerce.	Proposals on quality control and Preshipment Inspection of electric cables and conductors.
	S.O. 2146, dated 18th July, 1966.	Do.	Recognition of the Indian standards Institution as the agency for inspection of electric cables and conductors prior to their export.
	S.O. 2147, dated 18th July, 1966.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to electric cables and conductors.
225	S.O. 2148, dated 19th July, 1966.	Do.	Proposals on quality control and preshipment inspection of pesticides and their formulations.
	S.O. 2149, dated 19th July, 1966.	Do.	The Export of Pesticides (Inspection) Rules, 1966.
	S.O. 2150, dated 19th July, 1966.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to pesticides and their formulations.

Issue No.	No. and Date	Issued by	Subject
	S.O. 2151, dated 19th July, 1966.	Ministry of Commerce	Recognition of Indian Standards Institution as the agency for the inspection of pesticides and their formulations.
226	S.O. 2152, dated 19th July, 1966.	Do.	Recognition of the Indian Standards for inorganic chemicals.
227	S.O. 2153, dated 19th July, 1966.	Do . .	Quality control and preshipment inspection of rubber gloves.
	S.O. 2154, dated 19th July, 1966.	Do . .	The Export of Rubber Gloves (Inspection) Rules, 1966.
	S.O. 2155, dated 19th July, 1966.	Do . .	Recognition of certain organisations as the agencies for the inspection of the rubber gloves.
228	S.O. 2213, dated 20th July, 1966.	Election Commission, India.	Corrections in the Delimitation Commission's Order No. 6, dated the 26th March, 1966 (Order No. 6A).
229	S.O. 2214, dated 20th July, 1966.	Ministry of Industry	Exempting certain industrial undertakings from the operation of sections 10, 11, 11A and 13 of the Industries (Development and Regulation) Act, 1951.
230	S.O. 2215, dated 22nd July, 1966.	Ministry of Commerce.	Quality Control and preshipment inspection of rubber ice bags.
	S.O. 2216, dated 22nd July, 1966.	Do . .	The Export of Rubber Ice Bags (Inspection) Rules, 1966.
	S.O. 2217, dated 22nd July, 1966.	Do . .	Recognition of certain organisations as the agencies for inspection of rubber ice bags prior to their export.
231	S.O. 2218, dated 22nd July, 1966.	Do . .	Appointment of some persons as members of the Tea Board.
232	S.O. 2219, dated 22nd July, 1966.	Delimitation Commission.	Delimitation of Parliamentary Constituencies in the Union Territory of Delhi (Order No. 17).
233	S.O. 2220, dated 22nd July, 1966.	Ministry of Commerce.	Further amendment to the notification No. S.O. 4393, dated 28th December, 1964.
	S.O. 2221, dated 22nd July, 1966.	Do . .	Further amendment to the notification No. S.O. 4394, dated 28th December, 1964.
	S.O. 2222, dated 22nd July, 1966.	Do . .	The Export of Jute Hessian and Jute Sacking (Inspection) Second Amendment Rules, 1966.
234	S.O. 2223, dated 22nd July, 1966.	Election Commission, India.	Corrections in the Delimitation Commission's Order No. 16, dated 9th February, 1966 Order No. 16(C).

Issue No.	No. and Date	Issued by	Subject
235	S.O. 2224, dated 22nd July, 1966.	Ministry of Food, Agriculture, Community Development and Co-operation.	Erratum to notification No. S.O. 2003, dated 30th June, 1966.
236	S.O. 2225, dated 23rd July, 1966.	Election Commission, India.	Appointment of Election Registration Officers and Assistant Electoral Registration Officers.
237	S.O. 2226, dated 25th July, 1966.	Ministry of Information and Broadcasting.	Approval of films as specified therein.
238	S.O. 2227, dated 25th July, 1966.	Ministry of Education.	The International Copyright (Second Amendment) Order, 1966.
	एस० ओ० 2228, दिनांक 25 जुलाई 1966	शिक्षा मंत्रालय	अन्तर्राष्ट्रीय प्रतिनियुक्ति (दूसरा संशोधन) आदेश, 1966
239	S.O. 2229, dated 25th July, 1966.	Ministry of Commerce.	Authorising Shri A. C. Das Gupta to take over the management of the Shri Bharathi Mills Ltd. Pondicherry.
240	S.O. 2230, dated 25th July, 1966.	Ministry of Railways	Appointing Shri Gopal Mal Mehta, District and Sessions Judge, Ajmer as Claims Commissioner).
	एम० ओ० 2231, दिनांक 25 जुलाई, 1966	रेल मंत्रालय	जिला व सेशन जज श्री गोपाल मल मेहता को दावा-आयुक्त नियुक्त करना।
241	S.O. 2308, dated 26th July, 1966.	Ministry of Commerce.	Extending the tenure and the re-constitution of the Coir Board.

ऊपर लिखे असाधारण गजटों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## भाग II—खण्ड 3—उपखण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)**

### ELECTION COMMISSION, INDIA

New Delhi, the 27th July 1966

**S.O. 2317.**—In pursuance of clause (b) of sub-section (6) of section 116A of the Representation of the People Act, 1951, and in continuation of the Election Commission's notification No. 82/7/64, dated the 23rd March, 1966, the Election

Commission hereby publishes the two differing judgments, dated the 23rd December, 1965, delivered by Hon'ble Mahapatra and Hon'ble R. Singh (JJ) in Election Appeal No 3 of 1965, on an appeal from the order, dated the 31st May, 1965, of the Election Tribunal, Patna.

#### ELECTION APPEAL NO. 3 OF 1965

From a decision of Mr. C. P. Sinha, Member, Election Tribunal, Patna, dated the 31st May, 1965.

Rajendra Prasad Jain.—Appellant.

*Versus*

Sheel Bhadra Yajee and others.—Respondents.

*For the appellant:* Messrs Nageshwar Prasad, Dipnarain Prasad and Nagendra Kumar Rai.

*For the respondents:* Messrs K. P. Verma, Kamla Kant Prasad and Jugeshwar Prasad.

#### PRESENT

THE HON'BLE MR. JUSTICE MAHAPATRA

THE HON'BLE MR. JUSTICE RAMRATNA SINGH

MAHAPATRA, J.—Appellant Sri Rajendra Prasad Jain was one of the candidates, who sought election to the Parliament (Rajya Sabha) from the constituency of Bihar Legislative Assembly in 1964 and was elected along with seven other candidates of whom five belonged to the Congress party. Against his election a petition under section 80 of the Representation of the People Act, 1951, was presented before the Election Commission by an unsuccessful Congress candidate Sri Sheel Bhadra Yajee asking for the appellant's election to be declared void and also for declaring him (the election petitioner) as duly elected. Among other things, he mainly alleged corrupt practice of bribery to have been committed by the appellant, his election representative Vishwanath Prasad Verma and his worker S. R. Dutta, the details of which were given in two schedules appended to the election petition. He also alleged that the appellant was disqualified to be a candidate at that election because he was a Director, Managing Agent, Manager and Secretary of various limited companies and corporations in which the Central Government had 25 per cent. or more shares in the capital issue and that he had subsisting contracts with the Central Government for supply of goods and for execution of work. There was also a grievance that the counting and scrutiny of the ballot at that election was not conducted according to the provisions of the Conduct of Elections Rules, 1961. The appellant, while denying all those allegations in his written statement also challenged the maintainability of the election petition on the ground that it was not duly presented according to the provisions of law and had not disclosed all the particulars of corrupt practice and other allegations as required. He also filed a recriminatory petition under section 97 of the Representation of the People Act against the petitioner Sri Sheel Bhadra Yajee (to be referred to hereafter for brevity and convenience as Yajee) in which the petitioner was alleged to have appealed to the voters on the basis of caste and community for his support. Undue influence on the voters was also charged against him. The details of these allegations were also disclosed in the different annexures to that recriminatory petition. Some of the ballot counted in favour of Yajee were, according to the appellant, fit to be rejected. A counter was filed against this recriminatory petition denying the entire allegation.

A tribunal constituted by the Election Commission heard both the petitions and held that the petitioner Yajee had proved corrupt practice against the appellant in respect of three Congress members of the Legislative Assembly, so far as payment of bribe was concerned, and four other members of whom three belonged to the Congress party and one was independent, so far as the offer of bribe to them was alleged. Other cases of bribery as disclosed in the schedules of the election petition about which evidence also was given by the petitioner Yajee were held by the tribunal not to have been proved. Illegality in regard to scrutiny and counting of votes was not also accepted against the appellant. The appellant's challenge about the maintainability of the petition and other defects therein did not prevail with the Tribunal. In the result the election of the appellant was declared to be void on account of corrupt practice adopted by him at the election. At the same time the tribunal refused to declare the petitioner Yajee duly elected

because he was not satisfied about the conditions laid down under section 101 of the Representation of the People Act, 1951. As for the recriminatory petition, no evidence was adduced in its support by the appellant, but on his behalf argument was addressed on that at the final stage. The tribunal held that none of the allegations in that could be established. Against the judgment of the tribunal, Sri Rajendra Prasad Jain (to be referred to hereafter for the sake of brevity and convenience as Jain) came in appeal. Yajee also filed a cross-objection, but later withdrew that. Thus, the only question before us is if the tribunals finding of corrupt practice against the appellant was correct. The other grounds against the election petition itself, which had been canvassed before the tribunal, were also raised before us on behalf of the appellant.

It was urged that the election petition was delivered in hand at New Delhi to Under Secretary Roshan Lal of the Election Commission although it was required to be delivered to the Secretary of the Commission or any officer authorised by the Commission to receive such applications. Roshan Lal was not one of such officers according to the appellant. Nothing was proved before the tribunal to show that he was authorised to receive election petitions, but the tribunal presumed such authority in his favour on the ground that the Election Commission acted upon that election petition after it was received by the Under Secretary, Roshan Lal, published it in the Gazette, constituted a tribunal and transmitted the petition for disposal. How far the tribunal was right to draw a presumption like that is no longer necessary to be considered by us because we have found from the notification No. 83 of 1963, dated the 27th of December, 1963, published in the Bihar Gazette, Part III, that Roshan Lal, Under Secretary, was authorised under section 81(2) of the Representation of the People Act by the Election Commission to receive election petitions. In another issue of the Bihar Gazette, on the 15th of December, 1964, Part III, in supersession of the previous notification, it was notified that A. Sen, Under Secretary, was authorised to receive election petitions. This notification was dated the 30th of May, 1964. Thus, there can be no doubt that from the 27th of December, 1963, to the 30th of May, 1964, Roshan Lal had legal competency to receive election petitions under section 81(2) of the Representation of the People Act (hereafter to be referred to as the Act). The election petition was presented to him on the 24th of April, 1964. There was no defect in its presentation.

Another attack against the election petition was that the particulars of allegations of corrupt practice against the returned candidate were not given in it. Paragraphs 21 and 22 of the election petition stated that the appellant, his election agent Vishwanath Prasad Verma and his worker S. R. Dutta paid bribe to several voters and promised to pay to some others to induce them all to cast their first preference votes in to appellant's favour. Two schedules were appended to the petition in which the names of the persons, who committed the corrupt practice, the persons whom bribe was alleged to have been paid and the dates when such payment was made were stated. Similar details were given in respect of persons, who were alleged to have been offered or promised bribe. At the end of both the schedules, it was stated that there were other persons, whose names were not in those schedules were also paid and offered bribe. At a later stage, an application for amendment of the election petition as to include in these two schedules other names of persons who were paid or offered bribe was made on the 1st October, 1964, before the tribunal and was allowed on 18th November, 1964. Originally either of the two schedules contained names of five persons against each of whom corrupt practice was alleged to have been committed by the appellant, his election agent and his worker. Names of three persons were added to the first list in schedule 1 and five names to the list in schedule 2. It was contended by learned counsel for the appellant that the addition of new names was not by way of amplification of the original two lists but by way of introducing new facts of corrupt practice to assail the appellant's election and that they were brought on record after the expiry of 45 days from the declaration of the result of the election within which period an election petition was required to be filed. In that view, it was urged that those new facts should not have been allowed to be raised by the tribunal and should have been taken as barred by limitation.

Procedure before the tribunal has been prescribed under section 90 of the Act, clause (5) of which provides that the tribunal may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition. The latter part, no doubt, puts a ban on introducing "particulars of a corrupt

practice" which is not alleged in the petition originally. Corrupt practices may be of different kinds as given in section 123, such as, bribery, undue influence, appeal of religion, race or language and publication of false statements in relation to the rival's character or conduct. If a particular kind of corrupt practice has not at all been alleged in the election petition when presented, no particulars of that kind of corrupt practice could be allowed by way of amendment or amplification at a later stage. In the present case, the addition to the two lists given in the two schedules of the original petition was not in regard to any kind of corrupt practice other than bribery, which had been clearly alleged in the petition against the returned candidate. The petitioner had stated at the end of the two original lists "such several other voters were also paid money by the respondent No. 1 and his agent in securing their votes of first preference in favour of respondent No. 1; such offers were made to other voters by and on behalf of respondent No. 1 for securing votes of first preference". A few other instances were sought to be added by the application for amendment of the petition, which was allowed by the tribunal. Learned counsel referred to the case of *M. A. Muthish Chettiar v. Saw, Ganesan* (A.I.R. 1958 Mad. 187); which supports his contention against the addition of new particulars at a later stage. But I am afraid, the provisions under clause (5) of section 90 of the Act would not justify such a view. The Mysore High Court in *Sangappa v. Shivamurti Swamy* (A.I.R. 1958 Mysore 120) has, taken a view similar to what I have stated and that also gains support from what their Lordships of the Supreme Court observed in *Harish Chandra Bajpai v. Triloki Singh* (A.I.R. 1957 S.C. 444) and *Amin Lal v. Hunna Mal* (A.I.R. 1965 S.C. 1243). They clearly held that further "instances" of a corrupt practice, which has already been alleged in the election petition could be supplied at a later stage by way of amendment or amplification. The other plea of learned counsel for the appellant based upon vagueness of the allegation of corrupt practice in the petition was with reference to the mention of the names of the appellant, his election agent Vishwanath Prasad Verma and his worker S. R. Dutta. He pointed out that it was not definitely asserted by the petitioner which of the three had bribed or offered bribe to which of the voters. Instead, all the three were shown to have committed the corrupt practice in each and every case. But the evidence before the tribunal was directed only to show that the appellant alone paid or offered the bribe to the different voters. The other two persons had only accompanied him and did not participate either in payment or offer of bribe to any person. The evidence on behalf of the petitioner was no doubt in that direction. That, however, will show that the petitioner has failed to prove payment or offer of bribe by the appellant's election agent, or his alleged worker. If evidence against the appellant is found to be sufficient, that will show that the petitioner succeeded in proving a part of his allegation as raised in the petition, namely, that the appellant paid and offered bribe to some voters. I do not find any vagueness in the allegations in the petition in this respect. The appellant understood what was the case against him and offered rebuttal evidence to combat the petitioner's allegations.

Section 83 of the Act states what shall be the contents of an election petition. In clause (b) it is enjoined that the petitioner shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the dates and place of the commission of each such practice. It is not worthy that the names of the "particulars" "parties" committing corrupt practice are required to be divulged in the petition and not necessarily the names of other persons, who, along with him (a party) or with his consent might have committed such corrupt practice except by way of particulars of the allegations. Section 82 gives who are the parties to the election petition; and in that sense, clause (b) of section 83 refers to the "parties". Under section 99, the tribunal can make an order where corrupt practice is charged recording a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice and the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice. Here, the law does not confine to the names of the "parties" but requires the tribunal to find out if the allegations against any party or person in that respect have been proved. The election petition and its schedules showing the particulars of corrupt practice cannot, in that view, be said to be either vague or inadequate. Where a party to the petition, is alleged to have committed corrupt practice not by himself but through his agent or some other person. The petitioner shall be required to divulge those particulars so that the opposite party can meet the charges fully without any hindrance; but where the allegation is that the returned candidate himself alone committed corrupt practice, it will be enough to state his name and give the particulars in regard to the persons on

whom such practice was committed and when and where. The two lists in the original election petition in the present case do not appear to be lacking in any required particulars.

The election was to return eight members to the Parliament (Rajya Sabha) from the Bihar Legislative Assembly. There were thirteen candidates who had filed their nominations between the prescribed dates, the 3rd March to the 10th March, 1964. Two withdrew their candidature after the scrutiny of the nomination papers. The election took place on the 25th March, 1964, and on the same day in the evening after counting of the votes the result was announced. Five Congress candidates, one Praja Socialist Party candidate, one Swatantra Party candidate and an Independent candidate, the appellant, were declared elected. Six candidates were set up by the Congress party of whom one was only defeated; and he filed the election petition.

The method of voting at that election was according to rule 37A of the Conduct of Elections Rules, 1961 (to be referred to hereafter as the Rules). Every elector had only one vote irrespective of the number of seats to be filled; and he was required in giving his vote to place on the ballot paper that may be issued to him, the figure "1" in the space opposite the name of the candidate for whom he wished to vote in the first instance and he may, in addition, place on his ballot paper the figures "2, 3, 4" and so on in the space opposite the names of the other candidates in order of his preference. Every candidate was, therefore, anxious to have as many as first preference votes from the voters. There were in all 318 members in the Assembly, of whom 205 belonged to the Congress party, 47 to Swatantra Party, 30 to Praja Socialist Party, 7 to the Socialist Party, 12 to the Communist Party, 4 to Jansangh Party and the rest Independents. Eight members to the Rajya Sabha were to be elected. Thus, if a candidate could secure first preference votes to the extent of 34, he was sure to be elected. For that reason 205 members of the Congress Party were divided into six groups of 34 each and one such group was required to vote for one of the six Congress candidates so that there would be certainty of six Congress candidates being returned successful. The allegation in the election petition was that the appellant, who had neither any political backing or experience or renown in the public field, tried to secure first preference votes from among the voters including of the Congress party and bribed or offered bribe to some of them whose names were revealed in the two schedules of the petition. In the opinion of the tribunal, the petitioner succeeded in proving payment of bribe by the appellant to three members of the Congress party. Chattu Ram, Jadunandan Murmu and Vidyakishore Vidyalkar. So also his evidence about offer of bribe to four of the voters including one Independent member was found to be sufficient; and those members were Ramjatan Singh, Mustaq Ahmad, Prabhat Kumar Adityadea (independent member) and Ram Narayan Choudhury. This finding was seriously challenged by the appellant on the ground that the evidence in support of those allegations was unbelievable, inadequate and discrepant. It will be necessary to examine the evidence in each case.

The general feature of the evidence against the appellant is, in case of payment of bribe, that one witness in each of the three cases came to say that he had seen the payment. Similarly, out of the four cases of offer of bribe, in three, one witness was examined who had either overheard the offer by the appellant to the voter concerned or was told by the voter concerned about it soon after such offer was made. In the remaining case (Independent member), the evidence consisted of his own. The charge of corrupt practice in an election is a serious one and has to be proved beyond any reasonable doubt not by mere preponderance of probability but by cogent and reliable evidence (see Jagdev Singh Sidhanti v. Pratap Singh Daulta A.I.R. 1965 S.C. 183). The onus of proof is undoubtedly on the petitioner. But when evidence has been given on both sides, it is to be considered to find out if the charge can be believed on the evidence adduced. In that case, the decision cannot rest on the abstract rule of onus of proof.

I shall now proceed to scrutinise the evidence as adduced in each of the seven cases that have been found by the tribunal against the appellant.

Chetu Ram is a member of the Legislature belonging to the Congress party. He was alleged to have been bribed by the appellant. Satrugan Singh (P.W. 12) was examined to say that he had seen the payment of some one hundred rupee currency notes by Jain at about 9 o'clock in the morning of the day of election, the 26th March, 1964, to Chetu Ram. He is a business man having dealing in coal and mica. He applied for a mining lease in respect of minerals like beryl, uranium (atomic minerals) to the Government of Bihar; and it was in that connection that he came to Chetu Ram to seek his help and influence with the

Chief Mining Officer in support of his application. He came to Patna on the 22nd March, 1964, and stayed till the evening of the 27th March, 1964. During this time he came to Chetu Ram's M.L.A. flat, where he lived, on the 25th March, 1964, in the morning at about 8 A.M., but was asked to come again the next day. He went there on the 26th March, 1964 (the day of polling), in the morning at about 9 o'clock. While he was there, appellant Jain accompanied by two other persons came to Chetu Ram's flat and opened a conversation saying that though he had come before, he would like to have a minute more with him. On this both Jain and Chetu Ram went into another room in the flat which had an inter-connecting door with the room where the witness was sitting. That inter-connecting door had a screen of two sheets, through the gap between which the witness saw appellant Jain handing over some one hundred rupee currency notes to Chetu Ram, while requesting him to cast his first preference vote in his (Jain's) favour. In the evening that day the witness also came to the Assembly House to meet Chetu Ram and to enquire the result of his intervention with the Chief Mining Officer. By that time the election had been over. He saw appellant Jain on the verandah of the Assembly House also and heard him saying that sixty Congress members of the Legislature had taken money from him but only 30 of them cast their votes in his favour. He met petitioner Yajee at Ranchi and disclosed to him what he had seen and heard on the 26th March, 1964, as stated above. In cross examination the witness said that his application for mining lease was pending with the Chief Mining Officer of the State in March, 1964, when he had approached Chetu Ram. There is no support to this. If his application was made in 1961, as he had said, according to rule 24 of Chapter IV of the Mineral Concession Rules, after expiry of nine months from the making of the application, it will be deemed to have been rejected, if no order had been passed thereupon within that period (nine months). Revision against that would lie to the Central Government. There is thus serious doubt about the witness having any occasion to approach a member of the Legislature like Chetu Ram to seek his help and influence in support of his application for a mining lease at the alleged time. The two minerals for which he had applied could only be leased with the prior approval of the Central Government. The witness also stated that the State Government could only recommend; and the grant of a lease was within the powers of the Central Government. The reason for approaching Chetu Ram, according to the witness, was that the Chief Mining Officer, L. D. Sinha, was a friend of his and Chetu Ram was a friend of the witness. This kind of statement can be spoken by any person about another and that friendship can hardly be believed to be of that magnitude which would encourage and call for an intervention with the discharge of public duties of high and responsible officers. Nothing else is there to support that either Chetu Ram was a great friend of the Chief Mining Officer or that he ever wanted to go out of his way to influence him to grant a mining lease to the witness. Apart from the lack of probability of the witness approaching Chetu Ram for help in connection with his two year old application for a mining lease, the way in which he is said to have seen the payment of currency notes through the chink in between the two flaps of the door screen of the inter-connecting door, appears to be very unlikely. The witness did not disclose this alleged incident to any one for four months. At the end of July, when he met the petitioner Yajee at Ranchi, he told him that for the first time. In examination-in-chief the witness did not say that he had spoken of this incident to any one else. In cross-examination on the second day of his evidence when his attention was drawn to the fact that though he disclosed the incident to Yajee in July at Ranchi, he was cited as a witness by the petitioner in April, 1964, the witness volunteered (so has been noted by the tribunal in the deposition) that he had told Ramjatan Singh, M.L.A. to have seen Chetu Ram taking money from R. P. Jain. It is interesting to find that the tribunal has also noted in his deposition that this voluntary statement was made by the witness when the petitioner's counsel said in court that such statement had been volunteered by that witness earlier. If, in fact, the witness had disclosed the incident to Ramjatan Singh on that very day (the 26th March, 1964) in the evening at the Assembly House, where the witness had gone, he was expected to speak of that in his examination-in-chief, because that would be a valuable corroborative fact. The tribunal appears not have noticed the improbability of the application of the witness for a mining lease, if any, in 1961, to be pending in March, 1964, to necessitate his approaching any member of the Legislature for help and intervention in that matter. The cross examination about this was direct and specific; yet no evidence was adduced for the petitioner to substantiate that any application of the witness for a mining lease was then pending with the Chief Mining Officer. The absence of any disclosure of the alleged in the witness to any person till after four months is another circumstance that throws serious doubt on his testimony in court. His reference to Ramjatan Singh, M.L.A., not



in the examination-in-chief but only by way of a voluntary statement in an attempt to reconcile his name appearing in the first witness list filed in April, 1964, does not call for any credence. He is the only eye-witness to the alleged payment to Chetu Ram. The tribunal referred to the evidence of the petitioner (P.W. 21) and Ramjatan Singh (P.W. 20) to say that both of them spoke to have heard from the witness about the incidence; and that would lend corroboration to the direct evidence. If the eye-witness cannot be believed, then other witnesses speaking that they had heard from him will have little virtue. The witness admitted that he is a Congress worker and he knows the petitioner for over twenty years. Yajee is a prominent leader in Congress and youth activities. It is not always possible to fathom the real or all the reasons for which a person agrees to come as a witness for a party. If his evidence is saturated with inherent improbabilities and doubts, his testimony cannot be trusted to form the only and sole basis of a criminal charge like bribery.

Chetu Ram came as a witness for the appellant as R.W. 8 and denied to have known or met Satrugan Singh (P.W. 12) or to have taken any money from Jain. The tribunal thought that a denial of this nature was only natural, but what more than that can the appellant offer in evidence. R.W. 8 was closely cross-examined as to why he had deviated from the Congress party mandate in casting his vote in the election. He was included in the group of Congress M.L.A.'s, who were asked to give their first preference vote to Yajee, but he had given that, instead, in favour of the appellant. This was disclosed with reference to the ballot paper in which he had recorded his vote. I shall deal later and separately with the disclosure of votes from the ballot papers. But to continue with the evidence of the witness, he said that he was dissatisfied with the selection of the six Congress candidates of whom one belonged to scheduled caste or backward classes. The witness himself belongs to that category. He spoke of a meeting at the residence of the Chief Minister on the 17th or the 18th March, 1964, when members of his community including himself gave expression of resentment in this respect and requested the Chief Minister to so select the candidates so that there may be representation of backward classes and Harijans. The tribunal rightly pointed out that the names of the six Congress candidates had been finalised by the Central Parliamentary Board in February; and there was no question of any further selection on the 17th or the 18th March, and so the tribunal disbelieved the witness's reference to the meeting at the Chief Minister's residence or his alleged cause of grievance for violating the Congress mandate about the voting. The witness also in cross-examination admitted that he did not know the appellant from before the election or even now. He did not also know about the appellant's address or occupation. He added that he had heard his name for the first time on the date of polling; and at the request of one person for his vote in the appellant's support, he gave that to him. The tribunal seems to have been greatly influenced by the argument on behalf of the petitioner, which was also addressed before us at length, that a Congress M.L.A. voter was not at all likely to vote for the appellant who has no adequate petitioner background or reputation, in contravention of a distinct party mandate but for consideration of money. I shall deal with this part of the argument separately as it is common for all the instances of bribery in this case. I am now confining to the direct evidence. The tribunal was of the view that the denial given by Chetu Ram (R.W. 8) is not to be believed because his reason for disobeying the party mandate was not believable. If the evidence of the alleged eye-witness (P.W. 12) could have been dependable by itself, the denial of R.W. 8 could not have been of any consequence; but in face of the doubtful character of the testimony of P.W. 12, this denial cannot be said to have no consequence.

Jadunandan Murmu (R.W. 4) was another Congress M.L.A., who, the tribunal has found, was bribed by the appellant in the evening of the 25th March, 1964. With reference to his ballot paper it was found that he cast his first preference vote in favour of the appellant though he was included in the group of Congress members who were directed to vote for Yajee. Ramballav Tewari (P.W. 16) deposed to have seen the giving of currency notes by Jain to Jadunandan Murmu. He disclose about this incident for the first time in a meeting of the executing committee of the youth congress at Sadaquat Ashram at Patna in the noon of the 27th March, 1964. He reported about the incident to Yajee 5 or 6 days after the incident. The witness belonged to Daltonganj and when he comes to Patna, he stays with Ramlakhan Pande M.L.A., in his official quarters on the Gardiner Road. He knew Jadunandan Murmu for about two or three years (he deposed on the 2nd January, 1965). His acquaintance, according to him, was as he (Sri Murmu) used to come to the place of Ramlakhan Pande. On the 25th March, 1964, in the evening at 5 p.m. Sri Murmu came to the residence of Ramlakhan Pande while the latter was absent and met the witness there. Both of

them returned to Sri Murmu's residence in the M.L.A. flats. While the witness was taking tea with him at that place at about 5-30 p.m., the appellant with two persons came there. Seeing the witness Jain enquired about him from Sri Murmu, who said that the witness was his friend. Then Jain said that he had already settled every thing with him (Sri Murmu) in the evening and gave him a few hundred rupee currency notes and asked him to remember to cast his first preference vote in his (Jain's) favour. Thereafter, he and his two companions left the place. Two or four minutes after that, the witness also left that place. It is very difficult to believe that a bribe giver will feel no hesitancy whatsoever to commit the offence in presence of a complete stranger. The mere remark by Murmu (if it was really so) that the witness was his friend would not have been sufficient to encourage a person to pay bribe to Murmu in presence of that stranger. He could have easily taken Murmu aside, to say the least, before he paid him to alleged bribe. This is very important inherent improbability, which does not appear to have been taken into account by the tribunal. It is note worthy that the witness did not disclose this incident to Ramlakhan Pande that night, though he was staying in his house and he met him after his return from Sri Murmu's place. According to the witness, he first disclosed this in a meeting of the executive committee of the Bihar Youth Congress at Sadaquat Ashram on the 27th March, 1964, after the election and after the defeat of the petitioner Yajee which was known to the dismay and grief of the Congress people. The witness was challenged in cross examination about this alleged disclosure in the meeting; and he could not say if his disclosure of that incident was recorded in the proceeding book of the meeting. Even he could not say if the Secretary Kedar Singh, who wrote the minutes, was present in the meeting when this disclosure was made. The proceeding book was brought before the tribunal later at the instance of the appellant, but the petitioner did not attempt to exhibit the proceedings of the 27th March to show that there was any record that this witness had spoken in that meeting to have seen the payment of bribe by the appellant to Jadunandan Murmu. The witness himself is a member of the executive committee of the Bihar Youth Congress of which Yajee is the chairman. He said but he was also very much interested in the success of the Congress candidate in the Rajya Sabha election before the polling, on the 25th March, when he had seen the alleged payment of bribe. It is surprising that he did not report this incident either to Ramlakhan Pande or to Yajee or to any one else either that day or the next day which was the date of polling or till 5 or 6 days after when he first reported it to Yajee. This witness with four others went on a fast by way of Satyagrah to demand a probe into the cause of defeat of Yajee in the election by the Congress authorities from the 27th March, 1964 (P.W. 3, Madan Mohan Choudhary said that). If this was the extent of the witnesses concern about Yajee, it is surely unlikely that his re-action on seeing the alleged payment of bribe to the Congress M.L.A. Jadunandan Murmu would have been so little not to feel to impulse to report it forthwith to Yajee on any other Congress leader or at least to Ramlakhan Pande. M.L.C., with whom he was staying and wait for three days for a meeting, which had not then been scheduled to be held. To prove the interestedness of the witness it was pointed out by learned counsel from Exhibit F, the minutes book, that in a meeting held on the 25th March, 1964, under Yajee's Presidentship, the witness was recommended for nomination for membership of the Legislative Council of Bihar. In that background the witness keeping back from reporting the alleged incident to Yajee on the same day (the 25th March) or the next day, raises serious doubt in mind about the veracity of the story given by him in court.

The tribunal appreciated that this witness (P.W. 16) was very much connected with the petitioner through the Youth Congress and was a partisan witness; but, in its opinion, that by itself was not sufficient to discredit his sworn testimony even though there was no direct evidence to corroborate his story and because the cross-examination of the witness did not discredit him. The tribunal also thought that it was not likely that Sri Murmu would have accepted bribe from Jain in presence of a person like the witness, who was so much connected with Yajee, as that involved a risk of divulgence; yet the tribunal observed that such a thing was not wholly impossible, because the risk might not have been envisaged at all by Sri Murmu. A man of ordinary intelligence cannot miss to foresee such a risk. About the non-disclosure of the incident by the witness, the tribunal again thought that the witness might not have apprehended that on account of such payment of bribe to Yajee's voters, he would be defeated in the election; and for that he might have kept quiet. In my view, such an explanation is hardly adequate. The witness did not give even this explanation. His interestedness in any connection with the petitioner may explain his anxiety or willingness to give an unbelievable story in court in his support. For the reason stated

above, I am unable to place any reliance on the evidence of this witness. He is the only witness to connect the payment of money by the appellant to Jadunandan Murmu. Jadunandan Murmu as R.W. 4 denied the allegation. He said that he cast his vote according to his free will, though he admitted that there was a party mandate about it. From his ballot paper it was pointed out that he had given his first preference vote to Jain; but all other preferences were given to Congress candidates. He said that he did not follow the mandate, because he and other national Congress Adivasis were distressed at the groupism in the Congress party. He frankly admitted that though he was asked to give his first preference vote to Yajee, he did not do so as he did not want to do that. For voting for Jain, the witness said that Bateshwar Babu (another M.L.A. voter, R.W. 3) had asked him to vote for Jain. There was comment upon his evidence about groupism in the Congress. Other witnesses also spoke about that. The tribunal concluded that the evidence did not establish such a state of affairs. Why the witness gave his first preference to Jain is a different matter. That alone by itself will not prove or lead to the presumption that he did so only on account of bribe. I have already shown why the witness who spoke to have seen the payment to him (Jadunandan Murmu) cannot be relied upon.

The only other voter alleged and found to have been paid money by Jain for securing his vote, is Vidyakishore Vidyalkar (R.W. 7). The witness to support the allegation is P.W. 19, Jogendra Prasad Singh, who said that he used to stay with Vidyalkar in his M.L.A. flat and saw, on coming out of the bath-room at about 8 in the morning on the 24th March, 1964, Jain giving some currency notes to Vidyalkar. He did not disclose it to any person till June or July when he spoke for the first time to Yajee at Bakhtiarpoore railway station, where he happened to meet him. In cross-examination he said that after coming out of the bath room in that flat, one will have to come to the eastern verandah and crossing the whole of it one will come to the southern room. When he came out of the bath room to the verandah that morning he found the door of the southern room closed but he slightly pushed it and noticed that Jain with his two companions and Vidyalkar were sitting and talking and Jain was holding one hundred rupee currency notes in his hand. The witness continued that when his eyes fell on them (the persons) first he found the currency notes in the hand of Vidyalkar. How could he see at the same time currency notes in the hands of both persons? In examination-in-chief he said that he had seen the giving of notes in the room occupied by Vidyalkar. The flat consisted of two rooms. The witness occupied the southern room, while Vidyalkar the northern one. Thus, the witness's first statement in chief was that the act of bribery took place in the northern room, but in cross-examination he shifted the incident to the southern room. This is not an insignificant discrepancy. If the witness had really seen the incident, there could not have been this mis-statement. The tribunal does not appear to have noticed this. The witness was cross-examined about the location and dimension of the room of the flat; and the tribunal on reference to that opined that he had withstood the cross-examination well; and from that it concluded that the witness could be believed that he stayed in that flat with Vidyalkar. In all, according to the witness, he stayed there three or four times when the family of Vidyalkar was not there. Whether he actually stayed or not is not very material. The real question is whether he was staying in that flat on the 24th of March in the morning and had seen the alleged bribery. If Jain's companions were in the northern room in which Vidyalkar used to stay, there was no occasion for the witness on coming out of the bath room, to go into that room. To probabilise his seeing the act, he had to say that while pushing the door of his own room on the southern side, he saw the passing of the currency notes and heard the talk associated therewith. No one suggested that Vidyalkar, Jain and the two persons first met in Vidyalkar's northern room and they came to the room on the southern side. In my view, this shifting of the place of occurrence by the witness reveals the inherent defect that renders his testimony highly suspicious and unbelievable. Added to this, is the absence of disclosure of the incident by him to any person for about four months till July when he accidentally met Yajee at Bakhtiarpoore railway station and disclosed the information to him. The witness said that he lost all regards for Vidyalkar when he saw that he received bribe and he immediately left his room and never stayed with him again in future when he came to Patna. If he felt re-action and resentment of that magnitude, was it likely that he would keep it himself and not reveal the incident to any one for four months? He admitted that he did not have any talk with Vidyalkar over this matter after the departure of Jain and his friends. But what he did was that he changed his clothes and left the flat once for all. Yajee belongs to Bakhtiarpoore which is only a quarter of a mile from the village of the witness. When asked about his association with the executive committee of the Youth Congress, he denied it. Learned counsel

referring to Exhibit F, a proceeding book of the Congress Committee, pointed out from the minutes of the 25th of March, 1964, that Jogendra Prasad Singh was present in that meeting. Another thing to be noticed in connection with this witness is that in his evidence he said that he came to know the name of Jain from a card attached to a leather handbag, which he saw at the time of the incident in the room in Vidyalkar's flat. He did not know the names of Jain's two companions; but curiously enough, in his deposition, referring to this witness. The petitioner said that he (the witness) had informed him to have seen Rajendra Prasad Jain along with Vishwanath Prasad Verma and S. R. Dutta come and offer the money to Vidyakishore to procure his first preference vote. If the witness himself did not know the names of two other companions, how could he reveal those names to Yajee? Perhaps, the witness being a close neighbour and a political associate of the petitioner was taken for granted to help him with his evidence in court and his name was put as a witness in the second list of witnesses that was filed before the tribunal on the 1st October, 1964.

Vidyakishore Vidyalkar as R.W. 7 denied the whole allegation. He was closely cross-examined about his voting (though law prohibited that) to establish that he had cast his first preference vote for Jain, in spite of the party mandate for him to vote for Yajee. His ballot paper was put to him, which contained numerical figures to show the different preferential votes recorded against the different candidates. The witness, however, failed to recognise his writing of figures. But the number of the ballot paper corresponds with the number written in the electoral roll. Exhibit 4; and on that strength the tribunal accepted that he had cast his first preference vote in favour of Jain. The writing of the figures on that ballot paper was proved to be in the hand of Vidyalkar by Diwakar Pande (P.W. 22). The only connection between him and Vidyalkar, as stated by him, was that he used to stay, when he came to Patna, with him (Vidyalkar) or Rambaran Prasad or Mangal Prasad Yadav or Dhruvpranain Tripathi, who were also members of the Legislature from his district, Champaran. In cross-examination, Diwakar Pande admitted that he cannot recognise the handwriting of any of the above three other members of the Legislature (Named Rambaran Prasad, Mangal Prasad Yadav or Dhruvpranain Tripathi). He said that he had ploughed up Vidyalkar's land in his village as well as lands of other persons in that village with his tractor on hire; and he was on visiting terms with him. This, again, does not lead to any contact of the kind where one would know the writings of another person. Acquaintance of another's writing must have to be very much intimate so that one can recognise the numerical figures given by the other. In the ballot paper in question there were no handwritings excepting the numerical figures. It is difficult to accept the testimony of Diwakar Pande (P.W. 22) to identify the ballot paper, Exhibit 11(a), to be that used by Vidyalkar to show that he had cast his first preference for Jain. Exhibit 4, the electoral roll, shows that the ballot paper bearing serial No. 59, has been issued to two voters mentioned in the electoral roll serial No. 19 and 55, Vidyalkar and Bateshwar Prasad (R.W. 3), who was a proposer in the nomination paper of Jain. A ballot paper bearing No. 60 was pressed by the petitioner to have been used by Bateshwar Prasad, though ballot paper bearing No. 59 appeared from the electoral roll, Exhibit 4, to have been issued to him. In cross-examination it was taken from the witness (R.W. 3) that he had known other non-congress candidates like Sisir Kumar, Parmanand Kejriwal and Jankinandan Singh, who, it appeared from ballot paper bearing No. 60 had received other preferential votes. On that basis, it was urged that ballot paper No. 60 must have been the one used by Bateshwar Prasad. This is a weakened attempt to connect ballot paper No. 59 showing the first preference vote given to Jain to have been used by Vidyalkar.

It is difficult to put much reliance upon the serial number of ballot paper used in the election. Exhibit 4 is the marked electoral roll on which the signatures of the voters before issuing ballot papers to them were taken by the officers-in-charge of the polling booth. Rule 38A of the Rules required that every ballot paper before issue to an elector was to be stamped with such distinguishing mark as the Election Commission may direct; and no ballot paper was to be delivered to an elector unless he had put his signature against his name in the marked copy of the electoral roll in token of the receipt of the ballot paper. Exhibit 4 was claimed to be that marked copy. In sub-rule (1A) of the rule 36A it is provided that at the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the copy of the electoral roll (not his numbered copy) set apart for the purpose. In following this provision on Exhibit 4 (the electoral roll) the serial number of different ballot papers were noted by the polling officer; but it is curious that the same serial number of ballot paper was noted to have been

issued to two voters at least in three instances. Ballot paper No. 59 was issued to two voters in serial No. 19 and 55, ballot paper No. 248 was shown as issued to two voters against serial No. 236 and 269; and ballot paper No. 232 was issued to voters whose names appear against serial No. 182 and 274. These are serious mistakes; and when Exhibit 4 is vitiated by such mistakes, what reliance can be placed in regard to ballot paper bearing No. 59 to hold that it was issued to and used by Vidyalkar and not by any other voter to whom the same numbered ballot paper was shown to have been issued. In a state of affairs of the nature shown above, the tribunal was not justified in holding against Vidyalkar that he had given his first preference vote in favour of Jain and to deduce from that circumstances a corroboration, as it were, of the evidence of bribery only given by Jogendra Prasad Singh (P.W. 19).

The tribunal observed, after discussing the evidence of the alleged eye-witness, P.W.'s 12, 16 and 19, to support the petitioner's allegation of bribery against three persons, namely, Chetu Ram, Jadunandan Murmu and Vidyakishore Vidyalkar that their direct evidence "have been fully corroborated by the aforesaid convincing circumstance like casting of their first preference votes to him (R. P. Jain), who was almost a stranger to this State having not political or social background, notwithstanding the party mandate to cast their votes in favour of their party's candidates without any reasonable executes". There were seven persons amongst the members of the Legislature who were openly in support of R. P. Jain's candidature. It has come in evidence that Ramanand Singh, M.L.A. (Praja Socialist Party), Devendra Jha, M.L.A. (Praja Socialist Party), Budhinath Singh, M.L.A. (Independent), were canvassing the voters for Jain's support (See R.W.'s 3 and 6). Another M.L.A. witness Sachidanand Tripathy who belonged to Swatantra Party said that he and also M.L.A.'s of the Socialist and Praja Socialist Party and Independent members were supporting Jain's candidature. He himself canvassed for Jain. Thus, it cannot be said that bribery was the only method adopted in that election to attract voting support for Jain. There was open canvassing in his support by several persons. No witness on the petitioner's side has denied such open canvassing. The disclosure made by the ballot papers, which were cast in favour of the petitioner and Jain, which were opened up during the inspection under the order of the tribunal (upon which Item 6 can note later) gives an interesting picture, which unfortunately has not been noticed by the Tribunal. Out of 34 Congress M.L.A.'s allotted by the party mandate to give their first preference vote to Yajee, six (Jegannath Prasad Swatantra, Ram Sukumari Devi, Tejnarain Ishwar, Sailabala Rai, Dr. Balkunth Ram and Paul Dayal) did not cast their first preference vote for Yajee. The reason for their this conduct of violation of the mandate was not held for the bribery. Four other Congress M.L.A.'s allotted to Yajee's support gave some of their preferential votes other than the first, which they cast in favour of Yajee, to candidates other than the Congress. For example, Ramjatan Singh, M.L.A. (P.W. 10) gave his second and fourth preference to Yajee and another Independent candidate. So also Lila Devi and Jadunandan Jha gave one of their preference votes to an Independent candidate other than Jain. Rajkumari Devi did not give any of her preferential votes other than the first three. Out of the voters who gave their first preference votes to Jain, it appears that Punai Ordon a Congress M.L.A., gave his VII, VIII preferential votes to candidates of Swatantra Party, Panj Mone, a Congress M.L.A., gave his fourth preference vote to another Independent candidate Gurdas Das, a Congress M.L.A., did not exercise his votes after the second preference. In each of the thirteen cases cited above, there was a violation of the Congress Party mandate. But that was not on account of bribery. In election, several factors other than the mandate influence the actual voting. The tribunal, in my view, was in error in taking that casting of the first preference vote in favour of Jain in the case of three Congress M.L.A.'s, Chetu Ram, Jadunandan Murmu and Vidyakishore Vidyalkar, could not but be only for bribery, which was hired by Jain, not having any well-known political background or reputation or intimate connection with the State or members of the Legislature. When there was extensive canvassing before the election, it would be idle to believe that any voter would not have known about Jain's or his antecedent before the polling. If some witness said so, that could hardly be trusted. In a democracy the election is, by and large, free; and the considerations weighing with individual voters, though having party affiliation, become very many and not infrequently outweigh the party mandate or party interests. I am unable to subscribe the view taken by the tribunal that the mere casting of first preference vote in the three cases named above was a "convincing circumstance" that corroborated the direct evidence of one witness in each case which, in my judgment, does not stand the careful scrutiny. Besides, the enquiry about

and consideration of which voter gave his vote to whom, for using that as evidence in proof of corrupt practice was not permissible under the law, as I shall discuss later.

I should also point out that the tribunal assumed that if it was found that voter had ignored the party mandate, "some suspicious dealing" was bound to be inferred; and the person receiving vote against the party mandate had to explain satisfactorily. This, to say the least, is not a correct approach. List I in the schedule to the election petition, contained names of eight M.L.A.'s (including three added by way of amendment at a later stage). They were all Congress M.L.A.'s allotted to Yajee's quota with the party direction to give their first preference vote to Yajee. They were all alleged to have been paid bribe by R. P. Jain and his election agent Vishwanath Prasad Verma and worker S. R. Dutta. In regard to each of these cases, one witness was examined to have seen the payment. Since it was not proved with reference to the respective ballot papers that they had cast their first preference vote in support of Jain, the tribunal did not accept the petitioner's allegation of bribery to five members Jagannath Prasad Swatantra, Maya Devi, Mangal Prasad Yadav, Pal Dayal and Bholanath Das. The nature of direct evidence against them was, more or less, of the same type, as was given against the other three, whom the tribunal held to have been bribed by R. P. Jain, mostly because they were shown to have cast their first preference vote to Jain. Assessment of evidence of the direct witnesses, bereft of the question of casting first preference vote, has not been uniform in the hands of the tribunal, because it accepted such direct evidence in those cases, where it is corroborated by the evidence of voting against the party mandate. I have attempted to show that the voting in a particular manner cannot be taken to be an unquestionable corroboration of bribery. If the direct evidence is not otherwise trustworthy, it cannot be consoled by a particular trend in exercise of franchise by the voter concerned. There may be suspicion; but a charge of corrupt practice cannot be held on mere suspicion. It has to be founded on legal evidence, cogent and reliable. As I have already shown, the evidence in support of the allegation of bribery by Jain to Chetu Ram, Jadunandan Murmu and Vidyakishore Vidyalaekar has failed to come up to that standard.

The other allegation in the election petition was about the offer or promise of bribe by Jain to ten voters, named in the list in Schedule 2 as amended. Out of them the tribunal has found the allegation to have been proved in the case of four, Ramjatan Singh, Mustaq Ahmad, Prabhat Kumar Adityadeo and Ramnarain Choudhary. Learned counsel challenged the finding in each of these cases.

Ramjatan Singh (P.W. 20) was the election agent of Yajee. He said that on the 24th March at 7 in the morning Jain accompanied by Vishwanath Prasad Verma and S. R. Dutta came to his flat when the witness's son Rammohan Singh, an advocate, was also sitting there. The son went to take his bath, when he found that Jain wanted to talk to his father alone. Jain then proposed that he would pay some money to the witness to cover a part of his election expenses (expenses incurred in the last general election) and requested him for his first preference vote. The witness protested against that on which Jain and his companions withdrew. When the son returned from his bath, the father reported to him that Jain had come to purchase his vote, but he did not disclose this incident fully to Yajee till two days after. On the 26th March, at 8 in the evening after the election results were announced, he had full talks with Yajee about this incident. This he revealed in cross examination. It is worthy of note that in his examination in chief the witness did not speak of the disclosure of this incident to any one except his son before the end of the election. In cross examination he added that in the evening of the 24th of March, he had some talks with Yajee regarding the approach of Jain to him with money for his vote, but as both of them were in a hurry, he did not have talks about it fully with him. It appears to be very strange that such an incident would be kept back to be revealed in full till after the election results. The vote on the 26th began at 11 in the forenoon and ended at 4 in the afternoon. The results were announced at 7 in the evening. This witness also spoke that he had heard Jain speaking openly after the election results at the Assembly House verandah that he had paid money to 60 Congress M.L.A.'s but only 30 of them appeared to have voted for him. This part of his story has not been accepted by the tribunal and very rightly. The witness also spoke about the approach of Jain with offer of bribe to another Congress M.L.A. Bholanath Das, which the witness had learned from Ram Pratap Sharma. That part also was not acceptable to the tribunal. His statement that he had heard from P.W. 12, Satrugan Prasad Singh, on the 26th March, evening, after the election on the verandah of the Assembly House that

he (Satrugnan) had seen Jain paying money to Chetu Ram, M.L.A., is equally unbelievable, because I have already pointed out that P.W. 12 himself did not say that he had made such revelation to Ramjatan Singh (P.W. 20) in his examination-in-chief. He had volunteered that statement when he was confronted with the improbability of his figuring as a witness in the first list submitted by the petitioner. In his evidence he said that he had disclosed to Yajee after the election results that some of the ballot papers, which were fit to be rejected had been wrongly counted in favour of Jain. This also has been found by the tribunal not to be true. Thus a major part of his evidence has not appeared to be true. His ballot paper has proved that he had given his second preference vote to Jain in disregard of his party mandate. As I have said, he was the election agent of Yajee; and in spite of that concern, he had not disclosed the alleged incident of offer of bribe to him in full to his principal till after the election results. His interestedness may have been responsible for coming with a story in court to render support to the petition. The tribunal thought that his evidence confined to the part of offer of bribe to him was corroborated by his son. This corroboration has no meaning in view of the inherent defects in the evidence of the principal witness. Either the presence of his son when Jain came to him on the 24th March, morning or his narration to him immediately after the departure of Jain of the incident does not appear to have been disclosed to Yajee till October and November, 1964. P.W. 18 (his son Ram Mohan Singh) said that in the month of October or November, 1964, Sheel Bhadra Yajee had come to the flat of his father and to him (Yajee) he then disclosed about his having seen Jain coming to his father to offer bribe. On hearing this report Yajee asked him if he could depose in court in his support; and he agreed; he was cited as a witness. Can it be believed at all that the election agent of the petitioner would not have disclosed that his son also had seen and heard the occurrence for more than six months if that was really true. I am, therefore, unable to agree with the view of the tribunal that the offer of bribe to Ramjatan Singh (P.W. 20) can be taken to have been proved.

Another Congress M.L.A., held to have been offered payment by Jain in the evening of the 24th March, between 5 and 6, is Shah Mustaq Ahmad. Same kind of story was given by him as P.W. 7. He had no acquaintance with Jain from before; but knew his companion S.R. Dutta, who introduced Jain to him when all three came to his place. S. R. Dutta requested him to cast his first preference vote in Jain's favour on which he retorted that he had come to a wrong place. Jain also joined with the request. That was also repelled. The party thereafter left the place. At the time when the party had come, Matiur Rahman (P.W. 11) was with the witness; but when S. R. Dutta had revealed to him (witness) that he had to talk something special, the witness asked Matiur Rahman to go out of the room. Matiur Rahman stayed on the verandah; and in his evidence Matiur Rahman said that he had overheard the talk in the room. The witness admitted that as soon as he saw Jain and his two companions come to his place, he was struck with the idea that they might have come to ask him for his vote. He disclosed this incident to Chaudhary A. Mohammad in the noon of the next day. Chaudhary A. Mohammad has not been examined as a witness; and we are unable to know whether the witness had really reported to him the next day. What appears from his evidence is that he did not inform Yajee till 8 to 10 days after the election results were announced. Even then also he did not disclose the presence of Matiur Rahman with him at the time when Jain and his companions had come. The explanation for not disclosing P.W. 11's name is that Yajee did not ask him about it. Matiur Rahman's name (P.W. 11) for the first time, was disclosed by this witness about a month before he deposed in court on the 8th December, 1954, as he admitted in cross examination. The witness was a proposer of Yajee's nomination for the election. It is surprising that in spite of so much interest in Yajee, he did not report the incident to him till 7 or 8 days after the election; and even then also did not disclose the presence of Matiur Rahman at the relevant time. P.W. 11's name was put in the second list of witnesses filed on behalf of the petitioner on the 18th of November, 1954. The first list of witnesses was put in court on the 24th of September, 1954. The witness was allegedly approached two days before the election. The non-disclosure of the incident by him to Yajee for about ten days and the non-disclosure of the presence of Matiur Rahman for about eight months throw great doubt about his evidence in court. Chaudhary A. Mohammad, who, according to the witness, was told about the incident the next day, the 25th March, would have been an important witness in this connection but he was not examined by the petitioner. The evidence of Matiur Rahman (P.W. 11), whom the tribunal found as corroborative of the evidence of Shah Mustaq Ahmad can hardly be believed. He is a relation and constant visitor of P.W. 7. He is an editor of a newspaper and his office is by the side of Shah Mustaq Ahmad. He admitted that his address

was Park view, Bhawar Pokhar, Patna 4. Park view is the name of the house of Mustaq Ahmad. All these things clearly show the intimate connection between P.W. 7 and P.W. 11. That may have probalised his presence at the alleged occurrence, but his name having been kept from the knowledge of other persons for about eight months leads to irresistible inference that he was not present at the alleged time with P.W. 7 coming to his evidence (P.W. 11) the witness was unable to give the number of circulation of the newspaper or number of its copies printed. There was no talk between him and Shah Mustaq Ahmad after Jain and his companions had left the latter's place and when the witness returned inside the room from the verandah; yet he has narrated the talk that took place between Mustaq Ahmad, Jain and Dutta from what he had overheard from the verandah. In cross examination he admitted that it had struck him when he was asked to go out of the room that all of them had wanted that he might not overhear the talks. He said that he had no wish to overhear it; yet he still remained on the verandah at a place from where he could overhear the talk. Being a journalist from 1949 he always tries, as he said, to know some of the political parties; and, no wonder, he has been mixed up in this case. With his intimate connection with Shah Mustaq Ahmad, it was not likely that he would have no talk with him, after Jain and his party left, about the incident. Mustaq Ahmad also did not say in his evidence that he had any talk with him about it. All the circumstances lead me to think that Matiur Rahman was not present at the alleged time and place. A man like the editor of paper when requested to go out of the room so that there may be some confidential talk, which he was not wanted to hear, would not sacrifice his personal honour and prestige by staying at close quarters on the verandah so as to overhear the conversation inside the room. The tribunal did not take into consideration the non-disclosure of the witness's name by P.W. 7 for about eight months. I should refer here to the petitioner's (P.W. 21's) evidence. He said that in the month of October or November, 1964, when he met Mustaq Ahmad (P.W. 7) he had informed him that when Jain had come to his place with the proposal of payment of money, one Matiur Rahman was also at his (P.W. 7's) place. He (the petitioner) verified that from Matiur Rahman (P.W. 11) Matiur Rahman contradicted that by saying that—

"I had mentioned about my above overhearing of the talks of R. P. Jain and Mustaq Ahmad to Anwar Zaidi (not examined) in our Roshni (the name of their newspaper) office but had not said about it to Sheel Bhadra Yajee. I did not publish about this matter in the Roshni."

"Thus, we do not get from P.W. 7 that he had ever disclosed the name of Matiur Rahman to Yajee and from Matiur Rahman himself we have that he had not disclosed about his overhearing the conversation between Mustaq Ahmad and Jain to Yajee. The two other persons happened to have been reported one by Matiur Rahman and the other by Mustaq Ahmad have not been examined in court. In such circumstances, it would not at all be proper and safe to rely upon the evidence of Mustaq Ahmad or Matiur Rahman or that of the petitioner to hold the appellant guilty of this corrupt practice.

Prabhat Kumar Adityadeo was a member of the Legislature belonging to the Swatantra Party. He said that at 9 O'clock on the 24th March, Jain had gone to his flat with his two companions and made the proposal of payment with a request for his first preferable vote. The witness rebuffed him and the party left the place. He (witness) had told this incident to some of his friends the next day, but curiously enough he did not remember their names. It was five months thereafter that on the 15th August, 1962, he spoke of this incident to Yajee at Gandhi Maidan at Patna, where he had gone to attend the Independence Day celebration. The witness was closely cross examined and was clearly confronted with the suggestion that he was not at all present in Patna on the 15th August, as he had left Patna for his place Ichhagarh by car in the morning of the 13th August. The witness pleaded his inability to remember. It was also suggested to the witness that he had submitted a travelling allowance bill to the Assembly in which he had mentioned that he had left Patna on the 13th August and that he had authorised Jitan Ram, an employee of the Bihar Assembly to draw that travelling allowance. To this suggestion also the witness pleaded his inability to remember. The appellant called for the witness's travelling allowance bill and the register in which the travelling allowance bills are entered from the Assembly office through the tribunal but the tribunal was informed that the Assembly had resolved not to send the travelling allowance bill or any paper to it. Thereafter the appellant prayed the tribunal to call for a duplicate copies of the travelling allowance bill from the Accountant-General's office but the tribunal refused this prayer on the ground that what could not be obtained from



the Assembly should not be allowed to be secured indirectly from the Accountant-General office. I do not understand why the tribunal should not have called for the travelling allowance bill (duplicate copy) from the Accountant-General's office, when that was sought to be proved to belie the witness. He (witness) admitted in cross examination that he had applied for permission to join the Congress Legislature party; and that was pending for consideration with the Congress Party at the time when he came to depose in court. He felt very much offended and took it as a downright insult to him when Jain proposed to offer money to him to induce him to give his vote in his favour. Let the witness digested it without reporting the matter to any one although he knew that "to pay money or to offer to pay money to any voter to purchase his vote is an offence punishable under law". The very fact that he failed to deny directly the suggestion that he had gone away from Patna by car on the 13th August and was not present at the independence day celebration on the 15th August, raises doubt about his evidence that he disclosed the alleged incident to Yajee at any time. It was argued that he, not belonging to the Congress Party, would not have volunteered to be a witness for the petitioner if the incident he deposed about was not true. It is difficult to know why a person becomes willing to help another in court with untrue evidence. As for this witness, at the time when he deposed, he was anxious to be permitted to join the Congress Legislature Party. His anxiety to cross the floor for which he had already applied may have brought him to the court. His evidence has only to inspire the slightest confidence in my mind in view of his faltering and non-committal attitude when he was confronted with the direct suggestion that he was not present in Patna on the 15th August was that his travelling allowance bill submitted to the Assembly would have borne it out.

The only other instance to be considered is the allegation that Ramnarain Choudhary (P.W. 2), Congress M.L.A. was also offered bribe by Jain without success at 7 in the morning of the 26th March, the date of polling. He is a non-practising advocate and was at a time member of the Senate of the Bihar University. In his evidence he said that he had disclosed the incident of offer of bribe to him by Jain to the petitioner Yajee on the 25th March, but after the election result was announced. So also he did to the chief whip (P.W. 13). In the last week of April or the first week of May petitioner Yajee, after filing the election petition, told the witness that he had cited him as one of the witnesses in his case. At that time the witness was not asked by Yajee if there was any other person to corroborate the witness about the offer of bribe to him by Jain. Having said this in cross examination, later the witness said that he did not remember when he had told Yajee the names of Shivdeo Singh (P.W. 9) and Manoranjan Prasad Singh (P.W. 14), who were allegedly present at the time when Jain had gone to the witness's flat. When pursued further, he said that he had disclosed their names before September, 1964. When it was pointed to the witness that the name of those two persons were not included in the list of witnesses filed by the petitioner on the 24th September, 1964, he said that he was not surprised about it, because "Yajee is not a litigant but only a political worker and there is nothing surprising in it." The witness said that he had written eight to ten days after this incident, a letter to the Chief Minister, but he had no copy of that letter. There is nothing on record to support that, in fact, such a letter was written to the Chief Minister, from Sakeer Ahmad (P.W. 13), Congress Party chief whip, it has come that this witness spoke of the names of P.W.'s 9 and 14 to him on the 27th March at his (P.W. 13's) office in the Assembly House. We have it from Budhinath Singh (P.W. 6), that the assembly was closed for a week after the election on the 24th. Thus the revelation of the two important names by P.W. 2 to P.W. 13 on the 27th March at the Assembly House becomes much less probable. I have already shown that the petitioner was not told about these two names till about September.

Shivdeo Singh (P.W. 9) was living in the flat of P.W. 2 for about six months before this election as a guest. He belongs to the same village as P.W. 2. He said that he was a research scholar and was working to his thesis at his residence. On the date of the poll Jain along with two others came to the M.L.A. flat No. 42, where P.W. 2 was living at about 7 in the morning and knocked at the door when he and Manoranjan Prasad Singh (P.W. 14) were sitting in their room after waking from sleep. P.W. 14 went and opened the door. Then they were escorted to the room in which Ramnarain Choudhary (P.W. 2) used to live. There was no interconnecting door between the two rooms. After 10 or 12 minutes P.W. 2 saw them off at the outside verandah and coming back reported to P.W.'s 9 and 14 that they had come to purchase him. His evidence, at the most, is to the effect that he was immediately told by P.W. 2 about the offer of bribe to him by the appellant. Coming to the evidence of the other companion (P.W. 14),

Manoranjan Prasad Singh, who was also staying in the same room with P.W. 9 in the flat of P.W. 2, found significant discrepancy that at the alleged time he was washing his face in the verandah (not in the room) and P.W. 9 was inside the room reading or writing something. When there was a knock in the door, P.W. 9 asked him to answer it, whereupon he opened the door and found Jain and his two companion, whom he took into the other room of Ramnarain Shoudhary (P.W. 2) where he was taking breakfast. About ten minutes after Ramnarain Choudhary came out with them and went as far as the gate to see them off and then he returned and reported the incident to him and to P.W. 9. This witness was living for a year in that flat, as apart from belonging to the constituency of P.W. 2, his father was his (P.W. 2's) friend. The witness was in service in the Patna Improvement Trust. Ordinarily, much importance would not have been given to discrepancies in the evidence of the two persons in regard to what each of them was doing or where each of them was at the alleged time; but in the present case their evidence, being of a corroborative nature, has to be scrutinised, when their presence at the place was challenged by the appellant not only in their cross-examinations but also by direct evidence taken from Budhinath Singh (R.W. 6) who admittedly (P.W. 9 committed it) was occupying flat No. 41 just above P.W. 2's flat, No. 42). This discrepancy becomes all the more important in the background of nondisclosure of the fact by P.W. 2 for several months. The obligation of P.W.'s 9 and 14 to P.W. 2, Ramnarain Choudhary, is quite obvious. Both for their boarding the lodging they were dependent upon him, according to their evidence. Their names did not come in the witness list till November 18, though P.W. 2's name was in the election petition itself in April, 1964, and a list of 24 witnesses was filed for the petitioner on the 24th September. For all these reasons, I am unable to concur with the finding of the tribunal that the case against the appellant about offer of bribe to Ramnarain Choudhary could be believed.

Jain and his election agent, Vishwanath Prasad Verma, have denied in their evidence both payment and offer of money as alleged by the petitioner. If the direct evidence on this point could have been believed, their mere denial would not have any consequence; but, in view of the defects exposed by such evidence, this denial contributes to the failure of proof of corrupt practice. The assessment of evidence by the tribunal was entitled to great and careful consideration; and if two views could have been possible, I would have preferred to confirm one of them as taken by the tribunal, even though the other view appealed to me more. But the way I have looked to the evidence and the deficiencies that emerged out of that having not been either noticed or considered carefully by the tribunal, I am unable to appreciate that the view taken and the conclusion deduced by the tribunal was at all just and proper. I am, therefore, constrained to reject the evidence given by the petitioner in support of his allegation of corrupt practice against the appellant as unreliable and insufficient.

The judgment of the tribunal has been unfortunately clouded by a serious error allowed by it in regard to the exposure of all ballot papers cast in favour of the petitioner Yajee and the appellant Jain. The trial of the election petition is not under the common law. Special jurisdiction has been created for that purpose. Section 92 of the Representation of the People Act empowers the tribunal to have powers, which are vested in a court under the Code of Civil Procedure, 1908 when trying a suit in respect of, among other things, discovery and inspection. There is no doubt that in a proper case the tribunal can permit one or more parties to have that advantage. But that would not relate to election Rules 93 Conduct of elections Rules, 1951 provides as follows:—

“Production and inspection of election papers:—

(1) While in the custody of the returning officer:—

(a) ... ..

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of the marked copy of the electors' roll, or, as the case may be, the list maintained under sub-section (1) or sub-section (2) of section 152; and

(d) ... ..

shall not be opened and their contents shall not be inspected by, or produced before any person except under the order of a competent court of tribunal.

- (2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commissioner may direct.

(3) . . . . .

The tribunal, by its order dated the 23rd January, 1965 on an application made to behalf of the petitioner, permitted the inspection of the ballot papers and allowed the relevant ballot papers to be brought on records as Exhibits. One of the main reasons given in that order was that—

“to determine which of the ballots, if any, of the voters against whom specific charge of bribery has been made, has actually been cast in favour of the respondent (the present appellant) so that if this charge is found proved against them, those votes will be eliminated it will be necessary, to look into those ballots—

This order did not speak of exposing the numbers given on the ballot papers. Under rule 38A, sub-rule (3), it is distinctly provided that—

“Before any ballot paper is delivered to an elector at an election by assembly members or in a local authorities’ constituency, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.”

In the election under question, the serial numbers of the ballot papers were pasted with a piece of thick paper so that the number could not be visible either to the voter, when he took the ballot paper for casting his vote, or to the officer and the election agent at the time of counting the votes from the ballot papers. The appellant had brought to the notice of the tribunal by his petitions dated the 16th of January, 1965, and the 23rd of January, 1965, that exposure of the serial numbers of the ballot paper would reveal the locality of every voter and that would violate the secrecy of voting. It was also mentioned by him that the petitioner had not specifically requested the tribunal to uncover the serial numbers of all or any of the ballot papers. The tribunal did not refer to this respect in its lengthy order passed on the 23rd of January, 1965, or in its subsequent order passed that day on the two above mentioned applications of the appellant. The appellant again made an application on the 8th of February, 1965, requesting that the uncovering of serial number of the ballot papers, if at all, may be postponed till the evidence on behalf of the petitioner and the appellant was completed. He had no objection to the inspection of the ballot papers at that stage only to find out if any of them were invalid under sub-rule (2) of rule 73 of the Conduct of Elections Rules, 1961. On that date for the first time, the tribunal passed an order saying that in his previous order allowing inspection of ballot papers, parties had been allowed “to inspect the ballot papers of each other including the numbers of the ballot papers. The inspection of the ballot papers will be on those lines including the removal of their slips so as to expose their numbers”. I have already shown that his previous order dated the 23rd of January, 1965, did not refer to the exposure of the ballot numbers. No doubt the order allowing the inspection of the ballot papers was challenged by the appellant in the High Court and in the Supreme Court; but his applications under articles 226 and 227 of the Constitution of India in that respect was summarily rejected by both the Courts. That, however, does not mean that the original order of the Tribunal as passed on the 23rd of January, 1965, could be taken as extended to include the permission for exposing the serial numbers of the ballot papers by removing the pasted slips from the ballot papers. The result of the order passed by it on the 8th February, 1965, was that from each and every ballot paper, which had been cast in favour of the petitioner and the appellant, the pasted slips of paper was removed; and the serial numbers were exposed to show which voter had voted in which manner and for whom. This, in my view, was completely unauthorised by law particularly at that stage.

Voting by secret ballot is a mechanism found by civilised communities to ensure democratic government to be chosen, as far as possible, by the free choice expressed by the people to select who their representatives will be to regulate the government. Wherever in the world this method of selection is in vogue, complete secrecy of the voting is maintained. The ballot papers used at any election are kept in packets; and the packets are not allowed to be opened and their contents are not allowed to be inspected by any person or produced before any authority except under the orders of a competent court or tribunal. In each country, the law is almost the same. Rule 94 of Conduct of Elections Rules 1961, provides that subject to any direction to the contrary given by the Election

Commission or by a competent court or tribunal, the packets of used ballot papers shall be retained for a period of one year and shall thereafter be destroyed. Section 94 of the Act prescribes the secrecy of voting not to be infringed and provide that a witness or other person shall be required to state for whom he has voted at an election. A witness before the tribunal could not have been asked for whom he had cast his votes; but, unfortunately, by the procedure adopted by the tribunal, what the witness could not be asked has been revealed as for when he had voted at the election. Even of persons, who did not come as witness, their votes also had been exposed by that procedure. This is a serious violation of the mandatory provisions of the law and has foiled the sanctity of voting by secret ballot. I think the tribunal should have foreseen the grave consequence and serious embarrassment that were sure to be caused to the voters by the steps it took to expose all the serial numbers of the ballot papers.

Inspection of ballot papers in a particular case, where that is justified, authorised the tribunal and the parties, so permitted, only to scrutinise them *ex facie*. Where improper acceptance or rejection of ballot papers is in question, such inspection of the relevant ballot papers, as they are, will enable the tribunal to form its conclusion. Rule 93(2), which and which alone permits inspection of the ballot papers only enable opening the contents of the packets of used ballot papers for inspection. The contents of such packets are only the ballot papers as they are. The rule does not authorise the opening of the contents of the packets that is, the contents of the individual ballot papers other than what appears on them. I have shown that, according to rule 38(A) sub-rule (3), the serial number of each ballot paper has to be effectively concealed. This is the provision, which has been especially prescribed for voting at elections by assembly members and the council constituency. In general election such secrecy of the serial number of the ballot papers is not enjoined. When the ballot papers used in general election are inspected along with the electoral roll, where the number of the ballot paper is mentioned against the name of the voter to whom that ballot paper is given. The identity of the voter and the manner in which he voted becomes known. The Legislature did not think it necessary to prescribe any further secrecy in that respect. The election by assembly members and the council constituency are confined to a small group of persons, I suppose in no case exceeding 500. The Parliament thought it wise to give those voters complete freedom and protection against any kind of exposure of their identity; and that is why in this election alone the serial number of the ballot paper, after it is entered in a copy of the electoral roll, set apart for the purpose rule 38(1A) is required to be effectively concealed. When those ballot papers are brought before the tribunal or court, after they are used at an election, they can only be exposed as they are with their serial numbers concealed. The entire purpose of making this provision about the concealment of the serial numbers of the ballot papers at such election, has been rudely defeated by unconverging the pasted paper concealing the serial number on a ballot paper. That, in my view, was clearly against the law and without jurisdiction.

Learned counsel appearing for the petitioner supported the exposure of the serial number of the ballot papers by reference to section 101 of the Act, where it is provided that if the tribunal is of opinion that for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the tribunal shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been only elected. It was contended by him that in order to find out which were the votes obtained by the returned candidate by corrupt practices the identity of the voter with reference to a ballot paper was necessary to be established; and that could only be done by uncovering the pasted paper concealing the serial number on a ballot paper. This is untenable for more than one reason. When corrupt practices are alleged against a returned candidate, they are to be proved independent of the ballot papers and without ascertaining for them the voter on whom the corrupt practice is alleged to have been committed has voted. In other words, the charge of corrupt practice must be established on other acceptable evidence. After the tribunal comes to the conclusion that the returned candidate is guilty of the charge, his election will be declared void. If the petitioner, in addition, asks for the declaration of himself or any other person as duly elected, then in that case alone the tribunal will have to consider whether but for the votes obtained by the returned candidate by corrupt practice the petitioner or such other candidate would have obtained a majority of the valid votes. If any kind of corrupt practice is found to have been committed on a particular number of voters by a returned candidate and it is further found that these voters participated in the election (this can be found on a reference to the electoral roll, where the issue

of a ballot paper is noted against the individual voters) as many votes as the number of such voters participating in the election can be deducted from the total number of votes secured by the returned candidate under section 101 of the Act with a view to finding if the number of votes secured by the petitioner or any other candidate was a majority of the valid votes. It is not necessary to know how a particular voter exercised his franchise if he is found to have been a victim of any kind of corrupt practice by the returned candidate, who will be deducted with the vote for that voter whether he voted for him or not. This seems to be the only way to reconcile by the rule of harmonious construction the provisions under section 101 of the Act and rule 39A, sub-rule (3) of the Rules. Under the English ballot Act, the deduction of as many votes as participating voters are found to be victimised by corrupt practice is done against the returned candidate whose election is challenged (see 1872, Law Reports, volume VII, page 209, section 25). The same principle appears to have been followed by their Lordships of the Supreme Court in our country also, in the case of T. Nagappa V. P. C. Basappa (A.I.R. 1955 S.C. 755), the case arose out of election to the Legislative Assembly, where A obtained 8083 votes as against 8059 obtained by B. A was declared elected. B challenged that by an election petition on the ground that A had committed corrupt and illegal practices. He also asked himself to be declared as duly elected after A's election was held as void. The tribunal found A guilty of corrupt practices and declared his election void, and after that also declared B to have been duly elected. It was found that about 80 voters were transported to the polling booth in a service bus with the connivance of A. That was a corrupt practice. Of those 80 voters, 47 were Muslim women. The finding of the tribunal was that those voters would not have come to the polling booth from their village which was at a long distance but for the facilities furnished by the returned candidate. What the tribunal did was that it deducted 47 votes (those of the Muslim women) from the total number of votes secured by the returned candidate and thereby the difference between him and B was wiped out and, therefore, B was declared as duly elected. Against that A came to the Supreme Court under article 136 of the Constitution of India. It was urged for the appellant that it could not be said with certainty that the 47 votes recorded by the Muslim women would not have been recorded in favour of appellant A (the returned candidate), if corrupt practice had not been committed and that it would be a mere speculation to hold that they would not be and that, therefore, there was no legal basis for finding that B got the majority of votes. Their Lordships disposing of that contention observed:—

“But, in the present case, the finding is that in all, 80 votes were recorded by the electors who were transported by Ahmad Jan, and of them at least 47 were recorded for the returned candidate. There is also the further finding that the voters would not have come to the polling booth from their village which was at a long distance but for the facilities furnished by Ahmad Jan. Even if all these votes were recorded in favour of the defeated candidate other than the first respondent, the lead of the latter would remain unaffected. The contention of the appellant, moreover is not that these votes might have turned the scale in favour of any of the defeated candidates other than the first respondent but in favour of himself. This is contrary to what is provided in section 101(b) of the Act and there is nothing in A.I.R. 1964 S.C. 686 at p. 689 to support it. We must also observe that this question is really concluded by the observation of this Court in A.I.R. 1954 S.C. 440 that,

‘If the votes of at least 40 or 50 of these persons be left out of account as being procured by corrupt practice of the first respondent, the latter's majority by 34 votes would be completely wiped out and the petitioner (present 1st respondent) would gain an undisputed majority.’

It appears from the above that the 47 votes of the Muslim women were taken to have been recorded for the returned candidate. For the matter of that, all the 60 votes of the 60 persons conveyed by the service bus to the polling booth were so taken; but as the difference between the returned candidate and the defeated candidate B was only 59 votes, the deduction by 47 votes as votes obtained by corrupt practice by the returned candidate was enough to show that the defeated candidate B had obtained a majority of the valid votes within the meaning of section 101(b) of the Act. I have looked to the tribunal's judgment (33 E. L.R. 197). I do not get any inclusion that the ballot paper of each of those 47 Muslim women was not inspected to find if each of them voted for the returned candidate. Since 47 voters were found to have been conveyed by corrupt practice, as many votes as that number could be and were taken as obtained by corrupt practice and,

therefore, deducted against the returned candidate. We shall remember that in that case the serial numbers of the ballot papers were not required to be concealed.

I shall refer to the case of *Ram Sewak Yadav v. Hussain Kamil Kidwal* (A.I.R. 1964 S.C. 1249), where it was held that:—

“In a proper case where the interests of justice demanded it, the tribunal may call upon the returning officer to produce the ballot papers and may permit inspection by the parties before it of the ballot papers: that power is clearly implicit in sections 100(1) (d)(iii), 101, 102 and rule 93 of the Conduct of Elections Rules, 1961. This power to order inspection of the ballot papers which is apart from Order 11 of Code of Civil Procedure may be exercised subject to the statutory restrictions about the secrecy of the ballot paper prescribed by sections 94 and 128(1).”

(the under line is mine).

That case arose out of general election. Section 94 of the Act prevents any witness or any person from being required to state for whom he has voted at an election. Section 128(1) of the Act provides that every officer, clerk, agent or other person who performs any duty in connection with the recording or counting or votes at an election shall maintain, and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Sub-section (2) of that section says that any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both. Their Lordships also observed that an election tribunal has the power to direct discovery and inspection of documents within the narrow limits of Order 11 of the Code of Civil Procedure. Inspection of documents under that order may be directed under rule 15, which are referred to in the pleadings or particular as disclosed in the affidavit of documents of the other party, and under rule 18(2) of other documents in the possession or power of the other party. The returning officer is not a party to the election petition and an order for production of the ballot papers cannot be made under Order 11 of the Code of Civil Procedure. The power of the tribunal to call for the ballot papers from the returning officer is deduced from section 100(1)(d)(iii) (where the result of the election is affected by the improper reception, refusal or rejection of any vote or the reception of any vote which is void), section 101 (when but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes), section 102 (in the case of an equality of votes between any candidates at the election) and rule 93 (which authorizes the opening and inspection of the contents of the packets of used ballot papers at an election). Thus, it is seen that the powers of the tribunal in regard to inspection of ballot papers is restricted to the special jurisdiction and the provisions created by the Representation of the People Act and the Conduct of Elections Rules, of which the maintenance of secrecy of voting is an integral part and the concealment of the serial number on the ballot paper used at elections by assembly members is a mandate, which cannot be disregarded even indirectly.

The decision of the Allahabad High Court in the case of *Ashfaq Ali Khan v. Dattshan Singh* (20 E.L.R. 127) should be mentioned here. The appeal before the High Court was under section 116-A of the Representation of the People Act of 1951 against an order of an election tribunal which declared the election of the appellant to be void and declared respondent No. 1 to have been duly elected. The respondent had filed the election petition in connection with the general election to the Uttar Pradesh Legislative Assembly. The corrupt practice alleged in that case was that a systematic effort had been made by the returned candidate on the ground of religion and pamphlets were distributed containing a false statement about a candidate. The difference between the votes obtained by the appellant and the respondent was 277 votes. The tribunal found that corrupt practice was proved against the returned candidate, the appellant and that on that account the respondent had lost several votes. While discussing the provisions under section 101(b) of the Act, their Lordships observed that in applying those provisions account is to be taken only of the votes which had been actually cast and not those which might have been cast and as there was no good evidence as to the number of votes obtained by the appellant as a result of the commission of the corrupt practices it was not possible to come to the conclusion that, but for the votes thus obtained, the respondent would have obtained a majority of valid votes, and that, even if the respondent had lost more than 277 votes as a result of the corrupt practice by the appellant, he cannot be given the benefit of section 101(b) because

none of those votes could be said to have been obtained by the appellant as a result of the commission of the corrupt practice. In that view, the tribunal's order declaring the respondent to have been duly elected was set aside. Learned counsel for the respondent very much relied upon the above observation. But with great respect, I must say that the restricted powers of the Tribunal for the inspection of the ballot papers and the grave consequence of exposure of secrecy of voting were not brought to the notice of their Lordships or for their consideration. The difference maintained by the Parliament in regard to the serial number of the ballot papers used at a general election and at an election by assembly members was also not placed before their Lordships in that case, for the obvious reason that they were not dealing with a case of the latter kind. I am, therefore, unable to follow the views expressed in that case.

The charge of corrupt practice has to be proved by evidence other than by inspection of the ballot papers. After the charge is so proved the next stage for consideration about the relative majority of valid votes obtained by different candidates would arise under section 101(b) of the Act. Assuming that in such a case the tribunal can scrutinise the relative ballot papers so as to find out if that vote was cast in favour of the returned candidate, for the purpose of deducting that against him under section 101(b) of the Act, that must be restricted to the cases in which corrupt practice is otherwise established to have been committed against the individual voters. If that was done in the present case, then the exposure of the serial numbers of the ballot papers was only to be confined to the cases of the three Congress M.L.A. Voters, the payment of bribe to whom was found as proved by the tribunal. There was no reason or justification whatsoever for uncovering the serial numbers in other ballot papers. While the evidence was going on, this exposure was allowed to use it as corroborative evidence in support of the alleged corrupt practice. As I have already pointed, the tribunal was very much influenced by its inference drawn from the manner of voting by the Congress M.L.A. voters as revealed from the ballot papers.

For all these reasons, given above, I would allow this appeal and set aside the order of the tribunal. The appellant will be entitled to costs of this appeal against respondent No. 1, the respondent. The hearing fee is assessed at Rs. 500/-. The cost allowed by the tribunal against the appellant, if realised, shall be refunded to him.

PATNA HIGH COURT.

21-Mahapour

The 23rd December, 1965.

Ramratna Singh

Election Appeal No. 3 of 1965

J.

The facts and the findings of the tribunal have been summarised in the judgment of my learned brother. Hence, I shall come straightway to the question pressed in this court.

I agree that there was no defect in the presentation of the election petition before Sri Roshan Lal, Under Secretary to the Election Commission and that there was no vagueness in the allegations made in the election petition.

The tribunal found that payment of bribe by Sri Jain to three of the voters, namely, Sri Chetu Ram, Sri Jadunandan Murmu and Vidyakishore Vidyalankar had been proved. It also found that offer of bribe by Sri Jain to the four voters, namely, Sri Ramjatan Singh, Sri Mustaf Ahmad, Sri Ramprasad Singh and Sri Prabhat Kumar Adityadeo had been proved. All these voters, except Sri Prabhat Kumar Adityadeo, belonged to the Congress party. Sri Jain got 16 first preference votes consisting of 11 Congress voters, 7 Swatantra voters, 3 Praja Socialist Party voters, 2 Socialist voters, 1 Jan Sangha voter and 7 Independent voters. Sri Yatee got 24 first preference votes, though 24 Congress voters were allotted to him for first preference and the tribunal has found that out of the Congress voters, at least three, namely, Chetu Ram, Jadunandan Murmu and Vidyakishore Vidyalankar gave their first preference votes to Sri Jain. I agree with my learned brother that the mere fact that a Congress voter voted for Sri Jain does not necessarily justify the inference that he did so after taking bribe and the question whether bribe was actually paid or not depends on other evidence in the instant case on oral evidence. It is an admitted fact that Sri Jain is a near relation of Sri Shanti Prasad Jain and is a man of means, in as much as he gets Rs. 25,000 per month as his salary as a Director of some companies of Shanti Prasad Jain group. It is further admitted that Sri Jain was enrolled in West Bengal as a voter until a few days before the date for filing nomination papers here, when he was enrolled in Bihar as voter. He has not a permanent residential house in Bihar, but he lives occasionally at Patna for the purpose of supervising

the work of the companies of which he is a Director. The aforesaid facts certainly show that Sri Jain had no political background—and this fact was not challenged by Mr. Nageshwar Prasad who appeared for the appellant—but that does not exclude Sri Jain's influence as a friend or otherwise.

As the allegations of corrupt practice has been sought to be proved in this case by the petitioner, it is necessary to bear the well-settled principles in mind in considering the evidence. In *Jagdev Singh Pratap Singh* (A.I.R. 1965 Supreme Court 183), the Supreme Court said:

"It may be remembered that in the trial of an election petition, the burden of proving that the election of a successful candidate is liable to be set aside on the plea that he was responsible directly or through his agents for corrupt practices at the election, lies heavily upon the applicant to establish his case, and unless it is established both its branches i.e. the commission of acts which the law regards as corrupt, and the responsibility of the successful candidate directly or through his agents or with his consent for its practice not by mere preponderance of probability but by cogent and reliable evidence beyond any reasonable doubt, the petition must fail."

Again, in *Sheopal Singh v. Ram Pratap* (A.I.R. 1965 S.C. 677) their Lordships of the Supreme Court observed:

"The burden of proof as a matter of law and as a matter of adducing evidence is on the respondent, who seeks to get the election set aside, to establish corrupt practice; but, if he adduces sufficient evidence, as in this case we are satisfied he has, the burden of adducing evidence shifts on to the appellant. That apart when the entire evidence has been adduced in the case the question of burden of proof becomes merely academical."

In *Bhupendra Narain v. E. K. Narain Lal* (A.I.R. 1965 Patna 332), a bench of the Patna High Court observed:

"It is well settled that charge of commission of corrupt practice is a charge of a quasi-criminal character, and the standard of proof for establishing the charge is the same as in a criminal trial."

In *Jagan Nath v. Jaswant Singh* (A.I.R. 1954 S.C. 210), their Lordship of the Supreme Court said:

"The general rule is well-settled that the statutory requirements of election law must be strictly observed and that an election contest is not an action at law or a suit in equity but is a purely statutory proceeding unknown to the common law and that the court possesses no common law power. It is also well settled that it is a sound principle of natural justice that the success of a candidate who has won at an election should not be lightly interfered with and any petition seeking such interference must strictly conform to the requirements of the law. None of these propositions however has any application if the special law itself confers authority on a Tribunal to proceed with a petition in accordance with certain procedure and when it does not state the consequences of non-compliance with certain procedural requirements laid down by it.

It is always to be borne in mind that though the election of a successful candidate is not to be lightly interfered with one of the essentials of that law is also to safeguard the purity of the election process and also to see that people do not get elected by flagrant breaches of that law or by corrupt practices. In cases where the election law does not prescribe the consequences or does not lay down penalty for non-compliance with certain procedural requirements of that law, the jurisdiction of the Tribunal entrusted with the trial of the case is not affected."

Section 116A of the Representation of the People Act, 1951 lays down:

"(2) The High Court shall, subject to the provisions of this Act have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this Chapter as if the appeal were an appeal from an original decree passed by a Civil Court situated within the local limits of its civil appellate jurisdiction:

Provided ....."

In other words, an election appeal has to be treated as a first (civil) appeal. It is well-settled that the first appellate court is slow in setting aside the findings



of fact arrived at by the trial court which had the opportunity to see and hear the witnesses. In *T. C. Basappa Vs. T. Nagappa* (10 Election Law Reports 14), the Supreme Court said that where there is evidence in support of the findings of fact arrived at by the Election Tribunal, the High Court cannot, in an application for a writ under article 226, consider whether that finding of fact is right or wrong and quash the order of the tribunal merely because in its opinion the finding is wrong. Hence, applying the principles of criminal law, unless this court finds that the view taken by the tribunal is unreasonable, it will not ordinarily interfere with the finding of fact arrived at by the tribunal.

Regarding the corroboration of the evidence of a witness in a criminal case, the Supreme Court said in *Ramratan Vs. State of Rajasthan* (A.I.R. 1962 S.C. 424) that where a witness is neither an accomplice nor anything analogous to an accomplice, no corroboration is ordinarily necessary. Their Lordships said:

"The case of such a solitary witness was considered by this Court in *Vadivelu Thevar Vs. State of Madras*, 1957 S.C. R961: (S) (A.I.R. 1957 S.C. 614), and after referring to the earlier case it was held that as a general rule a court may act on the testimony of a single witness, though uncorroborated. It was further held that unless corroboration is insisted upon by statute, courts should not insist on corroboration except in cases where the nature of the testimony of the single witness itself requires as a rule of prudence, that corroboration should be insisted upon, and that the question whether corroboration of the testimony of a single witness was or was not necessary, must depend upon facts and circumstances of each case."

I have examined the evidence of the witnesses regarding corrupt practice keeping the aforesaid principles in mind.

The tribunal accepted the case of the petitioner that Sri Jain paid bribe to Sarvashri Chetu Ram, Jadunandan Murmu and Vidyakishore Vidyalkar partly on the oral evidence of a witness in each case and partly on the fact that after inspection of the ballot papers it was found that these three voters had given their first preference votes to Sri Jain, though they were allotted by the leader of the Congress party to Sri Yajee's quota. As stated earlier, the mere fact that they did not follow the party mandate and voted for Sri Jain does not necessarily justify the inference that they did so after accepting bribe from Sri Jain. Hence, the oral evidence, independently of the actual voting for a certain candidate, become important, and the evidence must show beyond any reasonable doubt that these three voters were actually bribed by or on behalf of Sri Jain. I agree with my learned brother that the petitioner has failed to prove this fact beyond all reasonable doubts in respect of these three voters.

So far as Sri Chetu Ram is concerned, Satrugan Singh (P.W. 12) is the only witness who claims to have seen the payment of some 100 rupees currency notes by Jain at about 9 O'clock in the morning of the day of election, the 26th March, 1964, to Chetu Ram. He is a businessman having dealings in coal and mica. He claims to have come on that occasion to Patna and gone to the house of Sri Chetu Ram, as the latter had promised to speak to the Chief Mining Officer to recommend his application for a mining lease in respect of certain atomic minerals to the Government of Bihar. This application is said to have been filed in 1961. Under rule 24 of Chapter IV of the Mineral Concession Rules, an application not granted before the expiry of nine months from the making of the application will be deemed to have been rejected, and a revision against such rejection would lie to the Central Government. According to P.W. 12, his application was pending in March, 1964, before the Bihar Government. There is, however, no explanation as to how it could remain pending for about three years against the specific provision in rule 24. Hence, the evidence of P.W. 12 in respect of payment of bribe to Sri Chetu Ram by Sri Jain on the 26th March, 1964, is doubtful.

Regarding Sri Jadunandan Murmu, it is said that Sri Jain made the payment in presence of Ramballay Tewari (P.W. 16), who had come in March, 1964, to Patna and stayed with one Ramlakhan Pande. M.L.A. P.W. 16 claims to have known Jadunandan as the latter used to come to Ramlakhan Pande and when he was in the house of Jadunandan on the 26th March 1964, at about 5-30 p.m. it is said that Sri Jain and his companions arrived and had some talk with Sri Murmu and Sri Jain gave to Sri Murmu a few 100-rupee currency notes and asked him to remember to cast his first preference vote in favour of Sri Jain. Two to four minutes after that P.W. 16 is said to have left the residence of Sri Murmu. I agree that the evidence of P.W. 16 regarding payment of bribe to Sri Murmu is doubtful, because it is improbable that Sri Jain would make the payment to him in presence of a complete stranger like P.W. 16, even though

the letter might be a friend of Sri Murmu and also because P.W. 16 did not report the incident the same night or at any time to Ramlakhan Pande, with whom he was staying.

Regarding Sri Vidyakishore Vidyalkar, Jagendra Prasad Singh (P.W. 19) is the only witness for payment of bribe by Sri Jain to him. P.W. 19 said that he used to stay with Vidyalkar in his M.L.A. flat and at about 8 A.M. on the 24th March, 1964, he saw, on coming out of the boothroom, Sri Jain giving some currency notes to Vidyalkar. P.W. 19 is a resident of a place near the village home Sri Yajee; but it is surprising that he did not disclose this incident to Sri Yajee or, for the matter of that, to anybody else, until he disclosed the same in June or July next to Sri Yajee. Further, ballot No. 59 was noted in the electoral roll against the name of two voters, namely, Vidyakishore Vidyalkar and Bateswar Prasad. There is not sufficient evidence, in my opinion, that ballot No. 59 was the ballot of Vidyalkar. These two facts are sufficient to make the evidence of P.W. 19 doubtful.

In view of the aforesaid finding, I agree that the petitioner has failed to prove payment of any bribe by Sri Jain or his man to any of the voters. Hence, it is not necessary for me to express any view on the question whether the tribunal was legally justified in exposing the numbers of the ballots during the inspection of the ballot papers; and I refrain from expressing any opinion on this question.

I shall now take up the finding regarding the offer of bribe to the four members of the Legislative Assembly, namely, Sarvashri Ramjatan Singh, Ramnarain Choudhary, Mustaq Ahmad and Prabhat Kumar Adityadeo.

Ramjatan Singh (P.W. 20) said that on the 24th March at 7 A.M. Jain came to his flat along with his election agent Vishwanath Prasad Verma and S. R. Dutta, when his son Ram Mohan Singh (P.W. 18), an advocate, was also staying there. It is said that, as Jain wanted to talk to P.W. 20 alone, P.W. 18 went to take his bath; Jain then proposed to P.W. 20 that he would pay some money to him to cover part of his election expenses and requested him for his first preference vote. P.W. 20 protested against that, and Jain and his companions went away. When P.W. 18 returned from his bath, P.W. 20 is said to have told him that he had come to purchase his vote. P.W. 12 supported his father on this point. Ramjatan Singh was the election agent of Sri Yajee, and his evidence has, therefore, to be accepted with caution. In examination-in-chief, P.W. 20 said that he did not want to have disclosed this incident to any one, except his son, before the end of the election, i.e., on the 25th March. In cross-examination, he said that in the evening of the 24th March he had some talks with Yajee regarding his approach to him with money for his vote, but as both of them were in a hurry, he did not have talks about it fully with him. This delay in the communication to Yajee of the approach of Jain for the offer of bribe was not expected of the election agent of Sri Yajee. For this reason and the other reasons mentioned by his brother, the allegation regarding offer of bribe to Ramjatan Singh has not been proved beyond all reasonable doubts.

Another instance of corrupt practice is the alleged offer of bribe to Sri Mustaq Ahmad, a Congress M.L.A. (P.W. 7). His name appears in Schedule II appended to the election petition filed on the 22nd April, 1964. He had been allotted by the leader of the Congress Legislature Party to the group of the Congress M.L.A.'s who were to vote for Choudhary A. Mohammad, a Congress candidate. He has stated that on the 24th March, 1964, between 5 and 6 P.M. Jain and a black complexioned man came with one S. R. Dutta, an employee of the Life Insurance Corporation, who was known to him more than 10 years to his house in front of Bhawan Pokhar Park at Puna. Dutta introduced Jain to him and said that he should cast his first preference vote in favour of Jain; thereupon Mustaq Ahmad informed Dutta that he had come to a wrong place and that he should not say so to him; then, Jain said: in your elections a lot of money is spent these days, take money from me and give me first preference vote. This offer was declined by Mustaq Ahmad, who said that he (Jain) need not worry about the expenses incurred in his election and he (Jain) should keep his money to himself; then, Jain and his companions left after Dutta apologised to Mustaq Ahmad for the trouble he had given to him. On the next day at about 12 noon, in the Legislative Assembly premises, Mustaq Ahmad incidentally disclosed the incident to the aforesaid Choudhary A. Mohammad, who is respondent No. 6 in the Election petition. About 8 days later, Yajee, the petitioner, enquired from Mustaq Ahmad about this incident saying that he had learned about it from Choudhary A. Mohammad, and Mustaq Ahmad repeated the same. Mustaq Ahmad also stated that at the time Jain and his companions had come to his house on the 24th March, 1964.

Matiur Rahman (P.W. 11), a relation of his, who was an editor of the Urdu Weekly 'Roshani', also happened to be present at his house. But, when Dutta told him that he had to talk something special (khas bat), Mustaq Ahmad asked the said Matiur Rahman to go out on the verandah. After Jain and his companions has left, Matiur Rahman entered the room again and on his query Mustaq Ahmad told him about the offer made by Jain and his party. Sri Ahmad further stated that about a month prior to his evidence before the tribunal which took place on the 8th December, 1964, he disclosed the name of Matiur Rahman for the first time to Yajee in reply to a question whether anyone else was present when Jain and party had come to his house on the 24th March, 1964. Yajee (P.W. 21) supports Mustaq Ahmad; and that is why Matiur Rahman's name appears in the second list of witnesses dated 10th November 1964.

Mr. Nageshwar Prasad's comment was that Choudhary A. Mohammad had not been examined in support of the statement of Mustaq Ahmad. Mr. K. P. Verma's answer to this was that the petitioner did not examine Choudhary A. Mohammad, as the latter was himself a respondent to the election petition. But there is no bar in law to the petitioner examining a respondent as his witness. The absence of Sri A. Mohammad from the witness-box, however, is not vital, in as much as Matiur Rahman (P.W. 11) is a better corroborative witness. The next comment of Mr. Nageshwar Prasad was that, in as much as Mustaq Ahmad was one of the proposers of Yajee's nominated and he is a Congress man since his college days and Congress is almost in his blood, Mustaq Ahmad would be interested in supporting, even falsely a Congress candidate, namely, Yajee. But the mere fact that both these persons belong to the same party does not necessarily justify this inference. The delay of about 8 days in the disclosure of the incident by Ahmad to Yajee is explained by the fact that Yajee, who is admittedly an old political worker and is connected with some All India Organisations, left Patna on 26th March 1964 by Punjab Mail at about 11.45 p.m. and went on tour to Manipur, Tripura and Assam and returned to Patna on 4th April 1964 (see P.W. 21). The last comment of Mr. Prasad was that a candidate who wanted to bribe a voter would at first send some feeler before making the offer; but there was not much time left, as the allotments to different Congress candidate were made by the leader of the party only on the 24th or 25th March and election was to take place on the 26th March. Moreover, Dutt was known to Mustaq Ahmad for more than 10 years; it was Dutt who at first told Mustaq Ahmad that he wanted to talk something to him in private and it was after some talk between Dutt and Mustaq Ahmad that Jain made the offer. Of course Jain disclaims Dutt; to be a man of his and neither party has examined Dutt but there is no reason why Mustaq Ahmad would falsely introduce the name of Dutt. The evidence of Sri Ahmad impressed me very much; and having gone through his evidence, as a whole, it appears to me that he is a true witness whose testimony is sufficient, without any corroboration, to prove the incident.

Matiur Rahman is P.W. 11. The office of the Weekly paper, which he used to edit, was in Mahalle Bhawan pokhari of Patna at the back of the house of Mustaq Ahmad and the former used to go to the latter's house frequently. He also knew Dutt since before the 24th March, 1964. He has supported Mustaq Ahmad, that Dutt told the latter that he had to talk something in special (khas bat) and then, at the request of Mustaq Ahmad, this witness went out to the verandah. From there he overheard some of the talks that took place inside the room; he overheard Jain telling Mustaq Ahmad; you people have to spend a lot in your election; I can also give you some money; you should vote for me. After Jain and his companions went away, this witness had talks with Mustaq Ahmad and the latter told him: these people had come to purchase my vote; I told them that they had come to a wrong place and they would never get my vote.

Mr. Nageshwar Prasad gave four reasons why this witness should not be believed, viz., (1) his name appeared in the second list of the witnesses; (2) he is a relation of Mustaq Ahmad and his address in the second list of witnesses given by the petitioner showed that he lived in the house of P.W. 7; (3) he could not have overheard the talks from the verandah when he was asked by P.W. 7 to go out; and (4) he did not inform Yajee that he had overheard the talk or that he had learnt about the incident from Mustaq Ahmad in the evening of the 24th March, 1964. But, his name appeared in the second list of witnesses, because Yajee learnt about his presence from Mustaq Ahmad in the beginning of November 1964, and his relationship with Mustaq cannot be a ground for rejecting his evidence. He was a natural witness, being a relation and also a close neighbour. When he, as desired by Sri Ahmad, came to the verandah, it is very probable that Matiur Rahman overheard a part of the talk from the verandah. Moreover, after

Jain and his companions left after 4 or 6 minutes, Mustaq Ahmad himself told Matiur Rahman what had happened during his absence from the room. In his examination-in-chief, Sri Ahmad has said that P.W. 11 was present when Jain and others came and in cross-examination he said that he had asked P.W. 11 to go out on the verandah and that, after Jain and others left, P.W. 11 entered his room again. Of course, Sri Ahmad does not say that he spoke about the incident to P.W. 11; but the latter has said that on entering the room he had talks with P.W. 7 about the incident. The omission of P.W. 7 to state in court what he had spoken to P.W. 11 after the incident cannot affect the testimony of P.W. 11, particularly when both of them have said that they met in the room again soon after Jain and his companions had left. Mr. Prasad also drew our attention to an apparent contradiction between Matiur Rahman's statement and that of Yajee. Matiur Rahman has said that he had not "said about it (incident of the 24th March)" to Yajee. Yajee has, however, stated in his evidence that, on having learnt from Mustaq Ahmad that Matiur Rahman was also there, he verified the fact from Matiur Rahman. Yajee said that Mustaq Ahmad had informed him that he had been also approached by Jain to accept money to meet the expenses that he had incurred in his election and cast his first preference vote in Jain's favour. Then, in the month of October or November, 1964, when Yajee met Mustaq Ahmad, the latter informed him that at the time Jain had come to his place on the 24th March, with the said proposal, Matiur Rahman was also present at his place, and thereafter Yajee verified this fact from Matiur Rahman. This contradiction is, however, not material. The fact that Matiur Rahman's name was included in the second list shows that Yajee had learnt about his presence, at the house of Mustaq Ahmad in the evening of the 24th March, before the second list of witnesses was submitted. Yajee must have learnt this name either from Mustaq Ahmad or from both Mustaq Ahmad and Matiur Rahman. Even if Yajee had no talk with Matiur Rahman on this point, it is clear from the evidence of both Yajee and Mustaq Ahmad that the former had learnt about Matiur Rahman's presence at least from Mustaq Ahmad. There is no reason why Yajee who came as P.W. 21, would make a false statement that he had verified the fact from P.W. 11; it is quite probable that P.W. 11 had forgotten about this casual verification. I do not, therefore, agree with Mr. Nageshwar Prasad that corroboration of the statement of Mustaq Ahmad by Matiur Rahman is not a good corroboration. The evidence of Mustaq Ahmad, Matiur Rahman and Yajee on this point is natural; and, in my opinion, there is no material contradiction in their statements in respect of the incident. The mere fact that Mustaq Ahmad was a loyal Congress man and a proposer of Yajee and that Matiur Rahman was a relation of his cannot be a ground for doubting their evidence. In view of the foregoing discussions, I am of the opinion that this allegation has been proved by the petitioner beyond any reasonable doubt.

Another instance of corrupt practice is the alleged offer of bribe to Sri Ramnarain Choudhary, a Congress M.L.A. (P.W. 2). He has said on 26th March 1964 at about 7 A.M. Jain and his aforesaid two companions had come to offer him bribe. Two persons were sitting with Choudhary at that time, one Shoodeo Singh, M.A. (P.W. 9), a research student of the Patna University, and one Manoranjan Prasad Singh (P.W. 14), who is in service in the Patna Improvement Trust. One of them is a co-villager of Sri Choudhary and the other a resident of some village in his constituency. They used to live in one room and Sri Choudhary, whenever he came to Patna, used to live in the other room of the flat. These two inmates came to his room where he was taking 'Nasta' and informed him about the arrival of Jain and his companions; and, as desired by Sri Choudhary, they sent Jain and his companions to his room. Then, Sri Vishwanath Verma, one of the companions and the election agent of Jain, addressed Sri Choudhary and said that he had come to see him the day before the preceding day as well, but Sri Choudhary was not available then. Thereafter Verma introduced Jain to Sri Choudhary and Jain told him that he was a candidate for the Rajya Sabha and he wanted Sri Choudhary's help. Sri Choudhary told him that as he was a Congress M.L.A., what help could he give to Jain. Then, Jain told him that he must have spent a lot in his own election and, therefore, he wanted to serve him apparently by payment of money and sought his help. Sri Choudhary told Vishwanath Verma that he was built of a different stuff and, therefore, it was not proper for him to talk about money. Thereafter, Jain begged his pardon and he along with his two companions, namely, Dutt and Verma went away. Sri Choudhary disclosed the aforesaid incident to Yajee on the 26th March 1964, after the result of the election was out. These are the statements of Sri Choudhary in examination-in-chief. There he does not say that he had spoken to P.Ws. 9 and 14 about the offer by Jain, but in cross-examination he did say that he told Yajee the names of these two persons saying that

they were in his flat on that day and he had also told Yajee that he told these persons at that very time that these capitalists had the audacity to come and bribe him to purchase his vote. This talk with Yajee took place something after September, 1964. The mere fact that Sri Choudhary said these facts in his cross-examination cannot affect the value of corroboration by P.Ws. 9 and 14, because there was no occasion for him to say all these facts in examination-in-chief. It is true that P.W. 2 did not disclose the names of P.Ws. 9 and 14 to Yajee before September or October, 1964; but the non-disclosure of the names of persons to whom he had spoken about the incident when the first talk with Yajee took place is not material.

P.Ws. 9 and 14 have supported substantially what Sri Choudhary said, namely, that these two persons informed Sri Choudhary about the arrival of Jain and his companions and thereafter sent them to Sri Choudhary's room and that after Jain and his companions had left the flat Sri Choudhary told them that these capitalists had come to purchase his vote. These two witnesses have been tested about the description, size and other things of the rooms of the flats of Sri Choudhary, and, from their answers as also from the evidence of Sri Choudhary, it is clear that they did live those days in one of the rooms of Sri Choudhary's flat. These two witnesses have further said that when Sri Choudhary was at Patna, they used to dine in his mess; but, when Sri Choudhary was away from Patna, they used to take their food in some hotel. Of course, Budhinath Singh, M.L.A. (P.W. 6), who lives in flat No. 44 on the first floor above flat No. 41—and adjacent to flat No. 41 is flat No. 42 of Sri Choudhary—has said that no man of the name of Shivadeo Singh or Manoranjan Singh was living in flat No. 42 at the time of the Rajya Sabha election in March, 1964. The answers of this witness in cross-examination, however, show that he does not know the names of most of the occupants in the block of 12 flats near about his flat. It is remarkable that he could give the names of only two persons out of a large number of persons who had come to flat No. 41 belonging to Sri Karpoori Thakur in 1963. This witness is, therefore, not competent to deny the occupation of a room in the flat of Sri Choudhary by P.Ws. 9 and 14. Our attention was drawn to an apparent contradiction in the statements of these two witnesses. P.W. 9 has said that at about 7 a.m. on the aforesaid date, both he and Manoranjan were "sitting in our room having woken up and on hearing knocking sound at our door Manoranjan went and opened the door . . .". On seeing Jain and his two companions, both of them went and informed Sri Choudhary, and when asked by the latter to do so, they escorted them to the room of Sri Choudhary. P.W. 14 stated that when Jain and his companions came to the flat, he was washing his mouth in the verandah and P.W. 9 was reading and writing inside the room; some knocking sound at the door was heard on which P.W. 9 asked him to open the door which he did. Stress has been laid on behalf of the appellant on the aforesaid contradiction; but this contradiction is not at all material. It was about 7 a.m. in the morning and there is no material contradiction between the statement of P.W. 9 that he and P.W. 14 were sitting in the room having woken up and the statement of P.W. 14 that he was washing his mouth in the verandah and P.W. 9 was reading and writing inside the room.

There is further corroboration, inasmuch as Sri Choudhary told Sri Shakoor Ahmad (P.W. 13), the then Chief Whip of the Congress Legislative Party, the next day at about 11 a.m. about the offer of bribe by Jain to him and his refusal to accept the same. Sri Shakoor Ahmad has corroborated the statement of Sri Choudhary. This talk took place in the office room of the Chief Whip allotted in the building of the Legislative Assembly on the 27th March, 1964. P.W. 6 has said that the Assembly was closed for a week from the 27th March; but that does not justify the inference that the Chief Whip would not attend his office, which was located in the Assembly building on a day when the Assembly was not sitting, particularly when a Congress candidate had been defeated the previous night. Of course, both Sri Choudhary and Sri Shakoor Ahmad are Congress man and Sri Choudhary was allotted to the quota of Yajee by the leader of the Congress Legislative Party; but this fact, by itself, does not make their testimonies unreliable. I have scrutinised the evidence of these two witnesses carefully and, having considered their evidence as a whole, I do not see any good reason to doubt the same. P.Ws. 9 and 14 were competent witnesses, and they have also stood the test of cross-examination. There are, of course, some minor contradictions; but that is bound to happen, when witnesses are not tutored. Absolute consistency in all respects in the statements of witnesses can be expected only when there is coaching by the party or its agent. The manner in which these four witnesses have given their evidence is quite natural, and there is no reason to doubt their testimonies. This allegation has, therefore, been proved by the petitioner beyond any reasonable doubt.

The only other instance of corrupt practice is the offer of bribe to Prabhat Kumar Adityadoo, M.L.A., belonging to the Swatantra Party. He said that at 9 A.M. on the 24th March, 1964, Jain had gone to his flat with his two companions and made the proposal of payment with a request for his first preference vote. The witness rebuffed him and the party left the place. It was 5 months thereafter, i.e., on the 15th August, 1962, on the occasion of the Independence Day celebration, he spoke of the incident to Yajee at Gandhi Maidan at Patna. It was suggested to him that he could not have been in the Gandhi Maidan on the 15th August for he had left Patna for his village Ichhagarh by car in the morning of the 13th August. It is surprising that the witness did not remember this fact. Further, he claims to have spoken of this incident to some of his friends on the 25th March, 1964, but curiously enough he did not remember their names. In these circumstances, it must be held that this allegation has not been proved beyond any reasonable doubt. It is, therefore, not necessary for me to decide whether the tribunal was justified or not in refusing to call for travelling allowance bill of this witness from the Accountant-General's office after the Assembly had unanimously decided to refuse to send the copy of the bill kept in its office and intimated this decision to the tribunal.

In view of the finding that the allegation of offer of bribe to Sri Mastaq Ahmad and Sri Ramnarain Choudhary by Sri Jain has been proved beyond any reasonable doubt, it must be held that two instances of corrupt practice have been proved and consequently the order of the tribunal setting aside the election of Sri Jain must be upheld. I would, therefore, dismiss the appeal, but without costs, in the circumstances.

HIGH COURT, PATNA,

The 23rd December, 1965.

(Sd.) RAMRATNA SINGH,

[No. 82/7/64.]

By Order.

PRAKASH NARAIN, Secy.

#### ERRATA

In the Election Commission's notification No. 434/MT/66 dated 22nd June, 1966, published as S.O. 2006 in the Gazette of India, Part I—Section 3(ii), dated 9th July, 1966 (Issue No. 28), the following corrections may be made—

(i) On page 1937, *against* Parliamentary Constituency 10. Dahadu, in column 3—

for "4. Plant Officer, Nasik".

read "4. Prant Officer, Nasik".

(ii) On page 1941, *against* Parliamentary Constituency 42. Karad, in column 3—

for "5. Plant Officer. Walva Division, Sangli".

read "5. Prant Officer, Walva Division, Sangli".

### MINISTRY OF HEALTH AND FAMILY PLANNING

#### ORDERS

New Delhi, the 25th July 1966

**S.O. 2318.**—Whereas the Government of India in the late Ministry of Health has, by notification No. F. 16-52/62-MI(MPT), dated the 14th June, 1963, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Doctor of Medicine" granted by the Yale University School of Medicine, Connecticut, United States of America for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies a further period of two years with effect from the 2nd August, 1965 or so long as Dr. James Alley Stringham, who possesses the said qualification, continues to work in the Nur Manzil Psychiatric Centre, Lal Bagh, Lucknow, U.P., to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. James Alley Stringham shall be limited, provided that during this period he continues to be enrolled as a medical practitioner in accordance with the law relating to registration of medical practitioner in his country.

[No. F. 18-10/66-M.P.T.]

*New Delhi, the 29th July 1966*

**S.O. 2319.**—Whereas the Government of India in the Ministry of Health and Family Planning has, by notification No. 16-28/61-MI, dated the 19th July, 1962 made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification Doctor of Medicine granted by the University of Washington, United States of America, for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies a further period of two years with effect from the 18th July, 1964, or so long as Dr. Dorothy Mary Munce, who possesses the said qualification and is enrolled as a medical practitioner in accordance with the law regulating the registration of medical practitioners for the time being in force in that country, continues to work in the Godavari Delta Mission Women's Hospital, Narsapur (Godavari) to which she is attached for the time being for the purposes of teaching research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Dorothy Mary Munce shall be limited.

[No. F. 19-10/68-MPT.]

P. C. ARORA, Under Secy.

**संचार विभाग**

**(डाक-तार बोर्ड)**

नई दिल्ली, 25 जुलाई 1966

एस०ओ० 2320.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने जूनागढ़ टेलीफोन केंद्र में 1-9-1966 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-34/66-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)

**DEPARTMENT OF COMMUNICATIONS****(P. & T. Board)***New Delhi, the 25th July 1966*

**S.O. 2321.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st September 1966 as the date on which the measured rate system will be introduced in Junagadh Telephone Exchange.

[No. 5-34/66-PHB.]

D. R. BAHL, Asstt. Director Genl. (PHB).

**MINISTRY OF INDUSTRY****(INDIAN STANDARDS INSTITUTION)***New Delhi, the 26th July 1966*

**S.O. 2322.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from 1 July 1966.

**THE SCHEDULE**

Sl. No.	Design of the Standard Mark.	Product/Class of Products to which applicable.	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)



Sand-cast brass screw-down bib taps and stop taps for water services.

IS: 781-1959 Specification for sand-cast brass screw-down bib taps and stop taps for water services.

The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportion as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[M.D./17:2.]



**S.O. 2323.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for bib taps and stop taps details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1st July 1966.

THE SCHEDULE

Sl. No.	Products/Class of Products.	No. and title of relevant Indian Standard.	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
	Sand-cast brass screw-down bib taps and stop taps for water services.	IS: 781-1959 Specification for sand-cast brass screw-down bib tap and stop taps for water services.	One Piece.	5 Paise.

(No. MD/18:2.)

D. V. KARMARKAR,

Dy. Director General (Marks).

**MINISTRY OF TRANSPORT AND AVIATION**

(Department of Transport, Shipping & Tourism)

(Transport Wing)

*New Delhi, the 28th July 1966.*

**S.O. 2324.**—In exercise of the powers conferred by section 4 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government makes the following further amendment in the notification of the Government of India in the late Ministry of Transport (Transport Wing) No. S.O. 1907, dated the 9th June 1965, namely:—

In the said notification, against serial No. 8, for the entry "Shri D. S. Joshi", the entry "Shri K. B. Lal" shall be substituted.

[No. 37-MD(5)/65.]

JASWANT SINGH, Under Secy.

**MINISTRY OF IRRIGATION AND POWER**

*New Delhi, the 29th July 1966*

**S.O. 2325.**—In exercise of the powers conferred by section 10 of the Dargah Khwaja Sahab Act, 1955 (36 of 1955), the Central Government, in consultation with the Government of Rajasthan, hereby constitutes, with immediate effect, an Advisory Committee for a period of one year for the purpose of advising the Nazim in the discharge of his functions under the said Act and also for such other purposes as may be specified in the bye-laws of the Dargah Committee, consisting of the following persons, namely:—

1. Maulana Abdul Shakoor, M.P., Inderkot, Ajmer.
2. Syed Abdul Baqi, Hafiz Manzil, Chowk Pannigaran, Ajmer.
3. Shri Peer Mohammad Ghoshli, Outside Delhi Darwaza, Ajmer.
4. Syed Saulat Husain Ali Khan, Haveli, Dewan Sahab Dargah, Ajmer.

[No. 9(1)/65-M.W.]

M. H. DIN, Dy. Secy.

**शिक्षा मंत्रालय**

नई दिल्ली, 26 जुलाई, 1966

**एस० ओ० 2326.**—हिन्दी साहित्य सम्मेलन अधिनियम, 1962 (1962 का 13) की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, शिक्षा मंत्रालय, भारत सरकार की अधिमूचना का०आ० 97 तारीख 30 दिसम्बर, 1965 में वर्णित कालावधि के अवसान की तारीख से छः मास की अपर कालावधि को ऐसी कालावधि के रूप में एनद्वारा उल्लिखित करती है जिसके अन्दर प्रथम शासी निकाय धारा 12 के अधीन बनाए गए नियमों के उपबन्धों के अनुसार शासी निकाय के लिए निर्वाचन करने के वा ते प्रबन्ध करेगा और ऐसे अपर उपाय करेगा जैसे अपर उल्लिखित कालावधि के अंदर उसके सम्यक गठन के लिए आवश्यक है

(एफ० 19/55/62 एच० 1)

निरंकार स्वरूप भटनागर, अव्वर सचिव ।

**MINISTRY OF EDUCATION***New Delhi, the 29th July 1966*

**S.O. 2327.**—In exercise of the powers conferred by section 13 of the Hindi Sahitya Sammelan Act, 1962 (13 of 1962), the Central Government hereby specifies a further period of six months from the date of expiry of the period mentioned in the notification of the Government of India in the Ministry of Education S.O. 97, dated the 30th December, 1965, as the period within which the first Governing Body shall arrange to hold elections to the Governing Body in accordance with the provisions of the rules made under section 12 and take such further steps as may be necessary for its due constitution within the period specified above.

[No. F. 19-55/62-H.I.]

N. S. BHATNAGAR. Under Secy.

**MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION****(Department of Co-operation)***New Delhi, the 25th July 1966*

**S.O. 2328.**—In exercise of the powers conferred by Sub-Section (1) of Section 4 of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) and in supersession of the notification of the Government of India, in the late Ministry of Community Development and Cooperation (Department of Cooperation) No. 3-40/60-C.T. dated the 19th October, 1963, the Central Government hereby appoint Shri A. C. Bandyopadhyay, Joint Secretary in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Cooperation) as the Central Registrar of Cooperative Societies.

[No. F. 7-27/66-Credit.]

V. V. NATHAN, Dy. Secy.

**(Department of Cooperation)***New Delhi, the 29th July 1966*

**S.O. 2329.**—In exercise of the powers conferred by Section 5B of the Multi-Unit Co-operative Societies Act, 1942, (6 of 1942), and in supersession of the late Ministry of Community Development and Co-operation, (Department of Co-operation) Notification No. 3-17/62-CT, dated the 28th January, 1964 the Central Government hereby directs that all powers or authority exercisable by the Central Registrar of Co-operative Societies under the said Act shall also be

exercisable by Shri S. Ramkrishna, Divisional Joint Registrar of Co-operative Societies, Bombay Division, Bombay in respect of the Multi-Unit, Co-operative Societies registered in the State of Maharashtra.

[No. 7-13/66-Credit.]

A. C. BANDYOPADHYAY, Jt. Secy.

## (Department of Agriculture)

New Delhi, the 25th July 1965.

**S.O. 2330** .—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Pepper Grading and Marking Rules, 1961, the same having been previously published as required by the said section, namely :—

*Amendment Rules*

1. These rules may be called the Pepper Grading and Marking (Second Amendment) Rules, 1966.
2. In the Pepper Grading and Marking Rules, 1961 for Schedule VA, the following Schedule shall be substituted, namely :—

## “SCHEDULE V-A

(See rules 3 and 4)

*Grade Designations and definitions of quality of Tellicherry Garbled Black Pepper.*

Grade Designation	*Size (Diameter of holes in mm of the sieve on which re- tained)*	*Extraneous matter not exceeding per cent by weight)	*Light berries not exceeding (per cent by weight)	Moisture con- tent not ex- ceeding (Per cent by weight)	General Characteristics
1	2	3	4	5	6
TGSEB (Tellicherry Garbled Special Extra Bold).	4.75	0.5	2.0	11.0	Shall be the dried mature berries of <i>Piper nigrum</i> grown in South India, garbled, dark brown to dark black in colour, nearly globular with wrinkled surface the deepest wrinkles forming a net work on the dried berry. It shall be free from mould or insects or any other adulterant.
TGEB (Tellicherry Garbled Extra Bold).	4.25	0.5	3.0	11.0	
TGEB (Tellicherry Garbled Extra Bold).	4.25 (50% minimum 4.00 (50% maximum.	0.5	3.0	11.0	

\*Tolerance allowed for the next lower size 5% (in T. G. tolerance for both sizes taken together will not exceed 5%).

\*\*These comprise dust, chaff, pickings, and other foreign matter.”

[F.15-3/66-AM]

CORRIGENDUM

New Delhi, the 27th July 1966

**S.O. 2331.**—In the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture) No. S.O. 1160 dated the 4th April, 1966 published in the Gazette of India Part II Section 3(ii) dated the 16th April 1966—

- (1) at page 1088, in rule 5(1) for "garde", read "grade".
- (2) at page 1087,—
  - (a) in rule 5(2), in item (ii) for "soft stiff" read "soft, stiff";
  - (b) in rule 6(5), for "bristles of each these", read "bristles of each of these".
- (3) at page 1089, in Schedule II,—
  - (a) in column 1,—
    - (i) for "64 mm. (2IZ2")", read "64 mm. (2½")";
    - (ii) for "Riflings less than 44 mm.)", read "Riflings (less than 44 mm.)";
    - (b) in the footnote (iii), for the words "lower gfade lengths", read "lower grade lengths".
- (4) at page 1090, in Schedule III, in the footnote (ii)—
  - (a) for "5 per cent", read "8 per cent";
  - (b) for "95 mm. 57 mm." read "95 mm. to 57 mm."
- (5) at page 1091, in schedule V, in column (2), for "white", read "black .
- (6) at page 1092, in Schedule V,—
  - (a) in column (3), for "67 mm.", read "57 mm.";
  - (b) in the footnote (c), for "Short", read "Shorts".
- (7) at page 1093, in Schedule VI, in column (1), for "Shorts and (less than Riflings (1½") (Less than 44 mm.)", read "Shorts and Riflings (less than 1½") Less than 44 mm."
- (8) at page 1094, in Schedule VII,—
  - (a) in column (1) for "Shorts and (less than Riflings 1½" (less than 44 mm.)", read "Shorts and Riflings (less than 1½") Less than 44 mm.";
  - (b) in footnote (iii), for "bristels" read "bristles" and for "(called "tops", "read "(called "tops)".
- (9) at page 1096, in Schedule IX,—
  - (a) in column (1), for "(2½")" occurring opposite "57 mm.", read "(2½"); and for "Rots and Shiflings less than 44 mm.)" read "Shorts and Riflings (Less than 44 mm.)";
  - (b) in column (3), for "159 mm.", read "159 mm. and over";
  - (c) in footnote (ii), for "unavoidable" read "unavoidables".
- (10) at page 1097, in Schedule X, in item (2) (i), for "(4½")", read "(4½)".

[No. F. 10-6/65-AM.]

SANTOKH SINGH, Under Secy.

**MINISTRY OF FINANCE****(Department of Expenditure)***New Delhi, the 23rd July 1966*

**S.O. 2332.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Fundamental Rules, namely:—

1. These rules may be called the Fundamental (Third Amendment) Rules, 1966.

(2) In the Fundamental Rules, in Rule 56, (i) after clause (c), the following clause shall be inserted, namely:—

“(cc) A workman referred to in clause (b) or a ministerial Government servant referred to in clause (c) may be granted extension of service, under very special circumstances to be recorded in writing, after he attains the age of sixty years with the sanction of the appropriate authority.”.

(ii) In clause (j) for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in this clause shall apply to a Government servant referred to in clause (c) who entered Government service on or before 23rd July, 1966, and to a Government servant referred to in clause (f)”;

(iii) In clause (k), for the proviso, the following proviso shall be substituted, namely:—

“Provided that:—

- (1) nothing in this clause shall apply to a Government servant referred to in clause (e) who entered Government service on or before 23rd July, 1966, or to a Government servant referred to in clause (f); and
- (2) it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this clause.”

(This rule was last substituted *vide* Ministry of Finance Notification No. F.12(2)-E.V. (C)/63, dated the 21st July, 1965, published as S.O. 2350 dated 31st July, 1965).

[No. F. 7(10)-E.V./66.]

**S.O. 2333.**—In exercise of the powers conferred by the proviso to Article 309 and of all other powers enabling him in this behalf the President hereby makes the following Regulations further to amend the Civil Service Regulations, namely:—

1. These Rules may be called the Civil Service (First Amendment) Regulations, 1966.

2. In the Civil Service Regulations, for Article 459, the following Article shall be substituted, namely:

“459. (a) Except as otherwise provided in this Article, every Government servant shall retire on the day he attains the age of fifty-eight years.

(b) A workman who is governed by these Regulations shall be retained in service till the day he attains the age of sixty years.

**NOTE.**—In this clause, ‘a workman’ means a highly skilled, skilled, semi-skilled or unskilled artisan employed on a monthly rate of pay in an industrial or a workcharged establishment.

(c) Ministerial Government servant who entered Government service on or before the 31st March, 1938, and held on that date—

(i) a lien or a suspended lien on a permanent post, or

(ii) a permanent post in a provisional substantive capacity under Article 89 and continued to hold the same without interruption until he was confirmed in the post,

shall be retained in service till the day he attains the age of sixty years.

NOTE.—For the purpose of this clause, the expression “Government Service” includes service rendered in a former Provincial Government.

(d) A workman referred to in clause (b) or a Ministerial Government servant referred to in clause (c) may be granted extension of service, under very special circumstances to be recorded in writing, after he attains the age of sixty years with the sanction of the appropriate authority.

(e) A Government servant to whom clause (a) applies, other than a workman referred to in clause (b) or a Ministerial Government servant referred to in clause (c), may be granted extension of service after he attains the age of fifty-eight years with the sanction of the appropriate authority if such extension is in public interest and the grounds therefor are recorded in writing:

Provided that no extension under this clause shall be granted beyond the age of sixty years except in very special circumstances.

(f) A Government servant in Class IV service or post shall retire on the day he attains the age of sixty years.

(g) A military officer serving in a Civil Department shall cease to be in Civil employ on the date he attains the age of fifty-eight years.

(h) Notwithstanding anything contained in this Article the appropriate authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire any Government servant after he has attained the age of fifty-five years by giving him notice of not less than three months in writing:

Provided that nothing in this clause shall apply to a Government servant referred to in clause (f) who entered service on or before 23rd July, 1966.

(i) Any Government servant may by giving notice of not less than three months in writing to the appropriate authority retire from service after he has attained the age of fifty-five years.

*Provided that:*

(1) nothing in this clause shall apply to a Government servant referred to in clause (f) who entered service on or before 23rd July, 1966; and

(2) it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this clause.

NOTE: 1.—“appropriate authority” means the authority which has the power to make substantive appointments to the post or service from which the Government servant is required or wants to retire.

NOTE: 2.—The three months’ notice referred to in clause (h) or clause (i) may be given before the Government servant attains the age of fifty-five years, provided that the retirement takes place after he has attained that age.”

3. These regulations shall come into force at once.

[No. F. 12(9)-EV(B)/65.]

C. V. NAGENDRA, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 26th July 1966

S.O. 2334.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 25 of the State Financial Corporations Act, 1951 (63 of 1951), the Central Government hereby notifies the Industrial Development Bank of India as a financial institution for which a Financial Corporation may act as agent for the purposes specified in the said clause.

[No. F. 10(28)-Corp/1966.]

M. K. VENKATACHALAM,

Director (Investments).

## (Department of Economic Affairs)

New Delhi, the 26th July 1966

S.O. 2335 —Statement of the Affairs of the Reserve Bank of India as on the 15th July, 1966

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up . . . . .	5,00,00,000	Notes . . . . .	23,25,60,000
		Rupce Coin . . . . .	3,07,000
Reserve Fund . . . . .	81,00,00,000	Small Coins & . . . . .	2,85 . .
National Agricultural Credit (Long Term Operations) Fund . . . . .	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	.
		(c) Government Treasury Bills . . . . .	91,27,71,000
National Agricultural Credit (Stabilisation) Fund . . . . .	16,00,00,000	Balances Held Abroad* . . . . .	9,24,07,000
National Industrial Credit (Long Term Operations) Fund . . . . .	20,00,00,000	Investments** . . . . .	457,65,31,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments & . . . . .	29,34,35,000



## Deposits:—

## (a) Government —

(i) Central Government . . . . .	54,24,62,000
(ii) State Governments . . . . .	19,26,78,000

## (b) Banks:—

(i) Scheduled Banks . . . . .	129,06,27,000
(ii) State Co-operative banks . . . . .	10,51,93,000
(iii) Other Banks . . . . .	3,84,000

## (c) Others . . . . . 333,45,18,000

Bills Payable . . . . .	34,40,59,000
Other Liabilities . . . . .	47,04,83,000

Rupees . 864,04,04,000

## Loans and Advances to:—

(i) Scheduled Banks† . . . . .	20,15,000
(ii) State Co-operative Banks†† . . . . .	142,42,75,000
(iii) Others . . . . .	2,83,40,000

## Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

## (a) Loans and Advances to:—

(i) State Governments . . . . .	29,40,74,000
(ii) State Co-operative Banks . . . . .	14,34,56,000
(iii) Central Land Mortgage Banks . . . . .	..

## (b) Investment in Central Land Mortgage Bank Debentures . 5,89,54,000

## Loans and Advances from National Agricultural Credit (Stabilisation) Fund—

## Loans and Advances to State Co-operative Banks 4,65,61,000

## Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—

## (a) Loans and Advances to the Development Bank . 3,84,17,000

## (b) Investment in bonds/debentures issued by the Development Bank . . . . . ..

## Other Assets . . . . . 49,60,16,000

Rupees . 864,04,04,000

\*Includes Cash and Short-term Securities.

\*\*Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. Nil advanced to scheduled banks against usance bills under section 17(4)(c) of the R. B. I. Act

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 20th day of July 1966.

## An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of July 1966

## ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	23,25,00,000		Gold Coin and Bullion :—		
Notes in circulation	2868,85,44,000		(a) Held in India	115,89,25,000	
Total Notes issued		2892,11,04,000	(b) Held outside India	..	
			Foreign Securities	201,42,01,000	
			TOTAL		317,31,26,000
			Rupee Coin		84,88,19,000
			Government of India Rupee Securities		2489,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2892,11,04,000	TOTAL ASSETS		2892,11,04,000

Dated the 20th day of July, 1966.

P. C. BHATTACHARYYA,  
Governor.

[No. F. 3(3)-BC/(6.)]

New Delhi, the 28th July 1966

S.O. 2336.—Statement of the Affairs of the Reserve Bank of India as on the 22nd July 1966

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	25,01,73,000
		Rupee Coin . . . . .	3,69,000
Reserve Fund . . . . .	80,00,00,000	Small Coin . . . . .	2,95,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	120,40,81,000
National Agricultural Credit (Stabilisation) Fund . . . . .	16,00,00,000	Balances Held Abroad* . . . . .	20,28,68,000
National Industrial Credit (Long Term Operations) Fund . . . . .	20,00,00,000	Investments** . . . . .	470,19,79,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments @ . . . . .	3,63,43,000



An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 22nd day of July 1966.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	25,01,73,000		Gold Coin and Bullion :—		
Notes in Circulation	2820,15,06,000		(a) Held in India	115,89,25,000	
Total Notes issued		2845,16,79,000	(b) Held outside India	..	
			Foreign Securities	161,42,01,000	
			TOTAL		277,31,26,000
			Rupee Coin		87,93,94,000
			Government of India Rupee Securities		2479,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2845,16,79,000	TOTAL ASSETS		2845,16,79,000

Dated the 27th day of July, 1966.

P. C. BHATTACHARYYA,  
Governor.  
[No. F. 3(3)-BC/66.]

*New Delhi, the 29th July 1966*

**S.O. 2337.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Gauhati Bank Ltd., Gauhati in respect of the property (4B-17 L of land, Patta No. 2) held by it at Barpeta Town, Assam, till the 15th March, 1967.

[No. F. 13(5)-BC/65.]

V. SWAMINATHAN, Under Secy.

**(Department of Expenditure)**

**(Defence Division)**

*New Delhi, the 26th July 1966*

**S.O. 2338.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Defence Accounts (Class III and IV Services) Recruitment Rules, published with the notification of the Government of India in the Ministry of Finance (Defence) No. S.O. 1185, dated the 20th May, 1959, at pages 1261 to 1267 of Part II-Section 3—Sub-Section (ii) of the Gazette of India dated the 30th May, 1959, namely:—

1. These rules may be called the Defence Accounts (Class III and IV Services) Recruitment Amendment Rules, 1966.

2. In the Defence Accounts (Class III and IV Services) Recruitment Rules,

A. in Schedule I—

(1) against serial No. 1—

(i) in column 6, for the figures and word “25 years”, the figures and words “18 to 25” years shall be substituted;

(ii) in column 9, for the words “one year” the words “two years”, and for the figure and word “6 months”, the words “two years” shall be substituted;

(2) against serial No. 2, in column 9, for the word “None”, the words “Two years” shall be substituted;

(3) against serial No. 3—

(i) in column 6, for the figures and word “25 years”, the figures and words “18 to 25 years” shall be substituted;

(ii) in column 9, for the words “one year”, the words “Two years” shall be substituted;

(4) against serial No. 4—

(i) in column 6, for the figures and word “25 years”, the figures and words “18 to 21” years shall be substituted;

(ii) in column 7, for the word “Matriculation”, the words “Matriculation or equivalent qualifications” shall be substituted;

(iii) in column 9, for the figure and word “6 months”, the words “Two years”, and for the words “one year” in both places where they occur, the words “Two years” shall be substituted;

(5) against serial No. 5—

(i) in column 6, for the figures and word “25 years”, the figures and words “18 to 21 years” shall be substituted;

(ii) in column 7, for the word “Matriculation”, the words “Matriculation or equivalent qualifications” shall be substituted;

(iii) in column 9, for the figures and word “6 months”, the words “Two years” shall be substituted;

(6) against serial No. 6—

(i) in column 6, for the figures and word “25 years”, the figures and words “18 to 25 years” shall be substituted;

- (ii) in column 7, for the word "Matriculation", the words "Matriculation or equivalent qualifications" shall be substituted;
- (iii) in column 9, for the figure and word "6 months" the words "Two years" shall be substituted;
- (7) against serial No. 7—
  - (i) in column 6, for the figures and word "25 years", the figures and words "18 to 21 years" shall be substituted;
  - (ii) in column 9, for the figure, words and brackets "6 months (for direct recruitment)" the words "Two years both for direct recruits and promotees to the Selection Grade" shall be substituted;
  - (iii) in column 10 after the word "fitness", the words "on completion of ten years service as such" shall be inserted;

**B. in Schedule II—**

- (1) against serial No. 1, in column 9, the words "Six months" shall be inserted;
- (2) against serial No. 2, in column 9, the words "Six months" shall be inserted;
- (3) against serial No. 3—
  - (i) in column 6, for the figures and word "25 years", the figures and words "18 to 25 years" shall be substituted;
  - (ii) in column 9, the words "Six months" shall be inserted;
- (4) against serial No. 4, in column 9, the words "Six months" shall be inserted;
- (5) against serial No. 5—
  - (i) in column 5, the word "Non-Selection" shall be omitted;
  - (ii) in column 6, for the figures and word "25 years", the figures and words "18 to 25 years" shall be substituted;
  - (iii) in column 9, the words "Six months" shall be inserted;

[No. 0698/Accts/AN/A.]  
SEWAJEE JAIN,

Assistant Financial Adviser, Defence Services.

(Department of Revenue and Insurance)

ESTATE DUTY

New Delhi, the 30th July 1966

**S.O. 2339.**—In exercise of the powers conferred by sub-section (3) of Section 4 of the Estate Duty Act, 1953, (34 of 1953), the Central Government hereby appoints the persons, whose names are given in the appendix, as Valuers for the purpose of the said Act for a period of five years from the date of this notification.

2 The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed:

Provided that where two or more properties are required to be valued—

- (i) by a Committee of Arbitration or by a third valuer in pursuance of a single order, or
- (ii) by a Valuer, in pursuance of a single reference made by a Controller of Estate Duty or at the instance of an accountable person,

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be:

Provided further that where the same property or properties required to be valued by the same Committee of Arbitration or as the case may be, by the same Valuer, is or are common to more than one case and the valuation relates to the same date the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupees one hundred per case.

*Scale of Charges.*

On the first Rs. 50,000/- of the property so valued	1/2% of the value.
On the next Rs. 1,00,000/- of the property so valued	1/4% of the value.
On the balance of the property so valued.	1/8% of the value.

3. Notwithstanding anything contained in paragraph 2, the remuneration payable to a Valuer shall in no case be less than rupees fifty.

## APPENDIX

Sl. No.	Name	Address
<i>I—Engineers/Surveyors/Architects</i>		
1.	Shri Poonen, P. C., B.E., M.I.E.E., F.A.S.C.E., M.I. Struct E. (London),	No. 7-1st Main Road, C.I.T. Colony, Madras-4.
2.	Shri Chellam, S. V., M. I. E. (Ind.), M. E.	93, West Avanimoola Street., Madurai.
3.	Shri Guha, P. R., B. C. E., M. I. E.	24, Dr. Sarat Banerjee Road, P. C. Rashbehari Avenue, Calcutta-29.
4.	Shri Bhatt, B. G., F.I.I.A., A.R.I. B. A., G.D. (Arch.),	38, Cawasji Patel Street, Bombay-1.
5.	Shri Chokshi, Ramanlal Keshavlal, A.I.T.A., G. D. Arch.	C/o Chokshi & Co., 1930, Gandhi Road, Ratanpolc, Naka, Ahmedabad.
6.	Shri Modi, V. M., B. E. (Civil) A.M.I.E.	Nanabhai Mansion, Sir Phirozeshah Mehta Road, Fort, Bombay.
7.	Shri Padmanabhan, S., B.A.B.E.	55, 11th Street, Tatabad, Coimbatore-12.
8.	Shri Jhabwala, C.S.II., A.R.I.B.A., F.I.I.A.	C/o M/s. Anand Aptay & Jhabwala 3/90 Connaught Circus, New Delhi.
9.	Shri Tembe, D K., B. E. (Civil).	'Rajiv Niwas', Mahajani Plots Jathar-Peth Road, Akola.
10.	Shri Talpade, M. K., B. E. (Civil).	36, Hamam Street, Bombay-1.
11.	Shri Narayanaswamy, C., B. E. (Civil).	36, Gopathi Narayanaswamy Chetty Road, T. Nagar, Madras-17.
12.	Shri Lilaowala, J. N., G. D. Arch., F.I.I.A., A.I.A.A. (Lond).	Ismail Building, 1st Floor, 381, Dr. Dadabhoy Naroji Road, Fort, Bombay No. 1.
<i>II—Accountants</i>		
1.	Shri Pandey, S. D., B. Com., LL. B., F.C.A.	C/o M/s. S. D. Pandey & Co., Haldion Ka Rasta, Jaipur.
2.	Shri Jhavar, H. N., M.A., B. Com., LL. B., F.C.A.	433, Mahatma Gandhi Marg., Subhas Chowk, Indore.
3.	Shri Mathur, G. S., M.A., LL. B., F.C.A.	168, Golf Links, New Delhi-3.



Sl. No.	Name	Address
4.	Shri Mistry, Maneck Pheroze, F.S.A.A., F.C.A.	32, Apollo Street, Opp. Allahabad Bank, Bombay.
5.	Shri Doshi, J. K., B. Com., F.C.A.	10, Jamshedji Tata Road, Churchgate Reclamation, Fort, Bombay.

III.—*Specialists in Jewellery, Precious Stones & Ornaments*

- |    |  |                                       |
|----|--|---------------------------------------|
| 1. | Shri R. Sarkar, Sole Proprietor:<br>P. B. Sarkar & Sons. | 89, Chowringhee Road,<br>Calcutta-20. |
| 2. | Shri Johari Murlidhar M. Bhandari.                       | 22, Dagina Bazar,<br>Bombay-2.        |

IV—*Actuary*

- |    |                                     |  |
|----|-------------------------------------|--|
| 1. | Shri Agashe, P. B.,<br>M.A., F.I.A. | Amarkunj, Top Floor,<br>Near Dnyaneshwar Mandir,<br>Cadel Road, Shivaji Park,<br>Dadar, Bombay-28. |
|----|-------------------------------------|--|

V—*Tea Estates*

- |    |                      |  |
|----|----------------------|--|
| 1. | Shri Kankani, N. G.] | G/o M/s. Jay Shree Tea & Industries Ltd.,<br>Sholayar Estate,<br>Sholayar P. O.,<br>Coimbatore Dt. |
|----|----------------------|--|

VI—*Valuation of Standing Forests*

- |    |                                |   |
|----|--------------------------------|---|
| 1. | Shri Mavinkurve, G.R.,         | Conservator of Forests,<br>Goa, Daman & Diu,<br>Panjim. |
| 2. | Shri Agarwal, S. C.,<br>D.C.F. | Narsinghpur,<br>(Madhya Pradesh).                       |
| 3. | Shri Mishra, S. P.,<br>D.C.F.  | (N) Balaghat Dn., Balaghat,<br>(M. P.)                  |

[No. 9/F. No. 5/57/66-E.D.]

G.R. HEGDE Dy. Secy.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 30th July 1966

**S.O. 2340.**—In exercise of the powers conferred by sub-section (1) of Section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby exempts the Industrial Credit and Investment Corporation of India Limited from the provisions of Sections 3 and 5 of the said Act in respect of the issue of Bonds or debentures of the value of Rs. 5,00,00,000 (rupees five crores) to be made by the said Corporation to the Industrial Development Bank of India Limited covering a loan of like amount to be granted by the said Bank to the said Corporation.

[No. R. 166-CCI/66.]

M. K. VENKATACHALAM,  
Controller of Capital Issues.

**CENTRAL BOARD OF DIRECT TAXES****INCOME-TAX***New Delhi, the 28th July, 1966.*

**S.O. 2341.**—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendment in the Schedule appended to its Notification No. 4-Income-tax, dated the 14th January, 1966, namely:—

In the said Schedule against B-Range, Jabalpur, under column 2, the following shall be added:—

5. F-Ward, Jabalpur.

*Explanatory Note:*

The above addition has become necessary on account of creation of a new ward known as F-Ward, Jabalpur in the Commissioner's Charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 74 (F. N. 50/10/66-ITJ).]

*New Delhi, the 30th July 1966*

**S.O. 2342.**—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the Schedule appended to its Notification No. 16-Income-tax, dated the 14th January, 1966, namely:—

In the said Schedule against Udaipur Range, under Column 2, the following shall be substituted, namely:—

Udaipur Range, Udaipur.

1. Bhilwara.
2. A and B Wards Ajmer and Multi-purpose Project Circle, Ajmer.
3. All Income-tax Wards having headquarters at Udaipur.
4. Special Assessment Circle, Udaipur.
5. Beawar.
6. Chittorgarh.

*Explanatory Note*

The amendments have become necessary on account of the creation of new circle at Chittorgarh and naming Special Asstt. Circle I Udaipur as Spl. Asstt. Circle Udaipur.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 75 (F. No. 50/8/66-ITJ).]

P. G. GANDHI, Under Secy.

**MINISTRY OF PETROLEUM & CHEMICALS***New Delhi, the 22nd July 1966*

**S.O. 2343.**—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 3918 dated 2nd November 1964 under sub-section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Govt. declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas, the Competent Authority has, under sub-section (i) of Section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 8 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of publication of this declaration in the I.O.C. Ltd. free from all encumbrances.

## SCHEDULE

State—Uttar Pradesh

Distt. Varanasi

Tahsil—Chandauli

Village	Plot No.	Extent
		Acres
Sarsar. . . . .	204	0.01
	205	0.02
	231	0.18
	232	0.10
	234	0.07
	235	0.09
	237	0.09
	240/2	0.09
	323/1	0.10
	324/2	0.15
	325	0.02
	327	0.25
	450/1	0.01
	451/2	0.02
	452	0.06
	454	0.07
	455	0.08
	456	0.08
	457	0.07
	458	0.07
	459	0.07
	461	0.09
	462/1	0.18
	464	0.10
	520/2	0.03
	521	0.17
	522	0.11
	523	0.03
	525	0.20
	527	0.08
	528	0.02
	531/1	0.02
	532	0.06
	535	0.04
	536	0.05
	537/1	0.03
	543	0.01
	544/2	0.07
	544/6	0.16
	544/4	0.08
	557/2	0.04
	565/2	0.04
	567/2	0.35
	573	0.20
	462/583	0.08
	531/586	0.02

**S.O. 2344.**—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 3934 dated 2nd November 1964 under sub-section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Govt. declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas, the Competent Authority has, under sub-section (i) of Section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of publication of this declaration in the I.O.C. Ltd. free from all encumbrances.

#### SCHEDULE

State—Uttar Pradesh	Distt—Kanpur	Tahsil Kanpur
Village	Plot No.	Extent.
		B. B. B.
Barra.	1169	0 3 0

[No. 31(50)/63-ONG/OR Vol. II.]

*New Delhi, the 25th July 1966*

**S.O. 2345.**—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from the drill sites to collecting stations within the Ankleshwar Oil field in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority at Lalitchandra Maganbhai Patel's Building, 4th floor, Sayaji Ganj, Lokmanya Tilak Road, Baroda, in the office of the Gujarat Pipeline Project (Oil & Natural Gas Commission). Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

State—Gujarat	District—Broach	Taluka—Ankleshwar
Village		Survey No. Area required in Guntha
Umarwada		283 9.5
"		284(1) 5.5
Adol		63 7.2
Hajat		200 12.2
Sarthan		67/(1) 8.5
"		67/(2) 3.7
"		67/(3) 1.8

[No. 31(67)/63-ONG/OR Vol. 2.]

**S.O. 2346.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 4256, dated 5th December 1964 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government,

And whereas, the Central Government, has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State—Gujarat		District—Broach	Taluka—Ankleshwar		
Village		Survey	A. G.	Sq. yds.	
Divn.	.	175/2	0 16	86	
Adol	.	394	0 6	83	
"	.	602/1	0 3	40	
"	.	602/2	0 6	21	
Panod	.	69	0 12	104	

[No. 31(38)63/ONG/OR-Vol. 4.]

*New Delhi, the 26th July 1966*

**S.O. 2347.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1363, dated 25th April, 1966, under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the Competent Authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, whereas, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State—Gujarat		District—Ahmedabad	Taluka—Dascroi		
Village		Survey No.	Acre Guntha	Sq. yds.	
Chenpur	.	122	0 35	40	

[No. 25(29)/65-ONG/OR.]

**S.O. 2348.**—Whereas by a Notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1191, dated 14th April 1966 under sub-Section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that Notification for the purpose of laying pipelines;

And whereas the Competent Authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Governments;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this Notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this Notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

#### SCHEDULE

State—Gujarat	District—Baroda	Taluka —Karian			
Village		Survey No.	Acre	Guntha	Sq. Yds.
Valan . . . . .		253	0	22	68

[No. 31. (38)/63-ONG/OR-Vol. 3.]

*New Delhi, the 29th July, 1966*

**S.O. 2349.**—Whereas by a Notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 2027, dated 8th June, 1965 under sub-section (i), of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that Notification for the purpose of laying pipelines;

And, whereas, the Competent Authority has, under sub-section (i) of Section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in lands specified in the Schedule appended to this Notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this Notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government,

vest on the date of publication of this declaration in the I.O.C. Ltd. free from all encumbrances.

To be notified under Section 6(1) of P.P. Act.

#### SCHEDULE

State—Bihar	District—Shahabad	Thana—Shahpur
Village with Thana No.	Survey No. (Plot No.)	Extent in acre
Kuardah No. 152 . . . . .	234	0·011
	232	0·07
Tikhpur No. 153 . . . . .	177	0·013
	179	0·008
	181	0·12
	182	0·04
	183	0·06
	184	0·06
	185	0·105
	193	0·02
	192	0·003

[No. 31/47/63-ONG/OR/5AR/Vol. 30.]

#### ERRATUM

New Delhi, the 28th July 1966

**S.O. 2350**—In the schedule to Notification U/S 3(1) of P.P. Act, 1962 published in the Gazette of India dated the 26th June, 1965 with Notification No. 31/47/63-ONG/5A/AR bearing S.O. No. 2027 dated the 8th June, 1965 read as follows :—

Village	Thana	Thana	District	Extent	0·008	for 0·082	Against
Tikhpur	No. 153	Shahpur	Shahabad				survey Plot No.
							179
"	"	"	"	"	0·12	" 0·14	" 181
"	"	"	"	"	0·04	" 0·06	" 182
"	"	"	"	"	0·06	" 0·0	" 184

[No. 31(47)/65-ONG/OR/5AR-Vol. 30.]

V. P. AGARWAL, Under Secy.

New Delhi, the 25th July 1966

**S.O. 2351**—In pursuance of clause (b) of sub-section (4) of Section 8 of the Central Sales Tax Act, 1956 (74 of 1956), the Central Government hereby specifies Shri C. P. Jacob, Under Secretary in the Ministry of Petroleum and Chemicals as the authorised officer under the said clause (b) in respect of goods sold to the Government in relation to the Oil and Natural Gas Commission during the year 1957 or 1958.

[No. 1/78/65-ONG.]

K. G. PARANJPE, Dy. Secy.

**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION****(Department of Labour and Employment)***New Delhi, the 26th July 1966*

**S.O. 2352.**—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts M/s. Handbags Production-cum-Training Centre, 43, Okhla Industrial Estate, New Delhi, from all the provisions of the said Act, except Chapter VA, for a further period upto and including the 31st December, 1966.

[No. F. 6(42)/66-HI.]

SHAH AZIZ AHMAD, Dy. Secy.

**(Department of Labour and Employment)***New Delhi, the 26th July 1966*

**S.O. 2353.**—In pursuance of section 4 of the Employees State Insurance Act, 1948 (34 of 1948) and in supersession of the Notification of the Government of India in the late Department of Social Security No. S.O. 48, dated the 18th December, 1965 published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 1st January, 1966 the Central Government hereby nominates Shri F. H. Vallibhoy, Joint Secretary to the Government of India in the Ministry of Finance, to be a member of the Employees' State Insurance Corporation with effect from the 17th December, 1965 in place of Shri K. N. Channa and makes the following further amendment in the Notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1879, dated the 11th June, 1962, namely:—

In the said Notification, under the heading "Members", under the sub-heading "[Nominated by the Central Government under clause (c) of section 4]", in item 6, for the entry "Shri K. N. Channa", the entry "Shri F. H. Vallibhoy" shall be substituted.

[No. F. 1(68)/65-HI.]

*New Delhi, the 27th July 1966*

**S.O. 2354.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of this Department Notification No. 6(19)/66-HI, dated the 9th June, 1966, the Central Government hereby rescinds the Government Text Book Press, Mysore from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period upto and including the 29th June, 1967.

[No. F. 6(19)/66-HI.]

*New Delhi, the 28th July 1966*

**S.O. 2355.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby rescinds the Notifications of the Government of India in the late Ministry of Labour and Employment No. S.O. 628, dated the 19th April, 1958 and No. S.O. 475, dated the 20th February, 1959.

[No. 20(90)65-PF.I.]

**S.O. 2356.**—In exercise of the powers conferred by section 3, read with section 7. of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following Scheme further to amend the Andhra Pradesh Coal Mines Provident Fund Scheme published with the Notification of the Government of India in the late Ministry of Labour No. S.R.O. 657, dated the 12th March, 1956, namely:—

1. This Scheme may be called the Andhra Pradesh Coal Mines Provident Fund (Second Amendment) Scheme, 1966.

2. In paragraph 28 of the Andhra Pradesh Coal Mines Provident Fund Scheme (hereinafter referred to as the said Scheme), in sub-paragraph (1), for the words "Department of Social Security", the words and brackets "Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment)" shall be substituted.

3. In sub-paragraph (1) of paragraph 43A of the said Scheme.—

(1) the words "having a minimum membership of two hundred and fifty persons", shall be omitted;



(2) the following proviso shall be inserted at the end namely:—

“Provided that no such remittance shall be made unless the Commissioner is satisfied that the Consumers' Co-operative Society, the share of which is proposed to be purchased by the member, aims at a minimum membership of 250 persons.”

[No. 2(496)/66-PF-I.]

**S.O. 2357.**—In exercise of the powers conferred by sub-section (1) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the Notification of the Government of India in the Department of Labour and Employment No. S.O. 1812 dated the 9th June, 1966 published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 18th June, 1966, the Central Government hereby appoints Shri E. V. Ram Reddi as the Central Provident Fund Commissioner with effect from the forenoon of the 27th June, 1966 for the territories to which the said Act extends vice Shri M. L. Ray.

[No. 15(30)/66-PF-I.]

DALJIT SINGH, Under Secy

### (Department of Labour and Employment)

New Delhi, the 26th July 1966

**S.O. 2358.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad in the matter of a complaint under section 33A of the said Act from Shri P. Umapathi of the Andhra Bank Limited which was received by the Central Government on the 8th July, 1966.

### BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

#### PRESENT:

Shri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION No. 48/1965

IN

INDUSTRIAL DISPUTE No. 31/1964

BETWEEN

P. Umapati—Complainant—Petitioner.

AND

The Andhra Bank Ltd., Hyderabad—Opp. Party—Respondent.

#### APPEARANCES:

Messrs. K. Satyanarayana, Advocate, and A. Sundararao for the Complainant—Petitioner.

Sri Ramakrishnarao on behalf of Opposite Party—Respondent.

#### AWARD

The petitioner herein, P. Umapathy, was an employee of the respondent Bank. Following a domestic enquiry the management had dismissed Umapathy by order dated 27th March 1965 with effect from 11th April 1964 on which date he was placed under suspension. Doing so, the management paid one month's wage to Umapathy by money order, and then came to this Tribunal with petition under Section 33(2) (b) of the Industrial Disputes Act for approval of the action taken in dismissing Umapathy. They did so because at that time I.D. No. 31/64 was pending before my learned predecessor. That dispute was referred to him by the Central Government by its letter No. 51(44)/64-LRIV dated 5th August 1964. My learned predecessor passed an award in it dated 26th August 1965. That dispute was in respect of claim for bonus by the employees of the Andhra Bank Limited against the management. As Umapathy was concerned with that dispute, the management had sent one month's wages to him by money order, and then came and filed the petition under section 33(2) (b) of the Industrial Disputes Act. That petition is M.P. No. 24/65. Umapathy filed counter to it. Besides filing counter to the above petition Umapathy filed his own petition under Section 33A

which is the one under consideration, complaining therein that the management had contravened the provisions of Section 33 of the Industrial Disputes Act, and therefore claiming reinstatement with back wages. The management filed counter to it.

2. Before proceeding further it is necessary to set out certain facts. There was in existence Bharat Lakshmi Bank Limited until it was amalgamated with the Andhra Bank Limited with effect from 16th May 1964. Umapathy had joined the service of Bharat Lakshmi Bank Ltd. as general clerk on 20th February 1958, and promptly became an active member of the Bharat Lakshmi Bank Employees Union. Later he was elected as its General Secretary in February 1960. The affairs of the Bharat Lakshmi Bank were faring none too well, and it started to sustain losses. The remedy lay in amalgamating it with some other bank. The choice was between the United Commercial Bank and the Andhra Bank Limited. The employees of the Bharat Lakshmi Bank Limited agitated for amalgamation with United Commercial Bank because it was classified as Class-I Bank. As the employees also would similarly be amalgamated, it would be advantageous to them to be employees of a Class-I Bank. The Andhra Bank Limited was a Class-II Bank at the time. It would appear Umapathy was among those who were in the fore-front of the agitation for amalgamation with the United Commercial Bank. One section of the Directors of the Bharat Lakshmi Bank Limited favoured amalgamation with the United Commercial Bank while the other section favoured amalgamation with the Andhra Bank Limited. Finally the share-holders decided that the amalgamation should be with the Andhra Bank Ltd. That eventuated with effect from 16th April 1964. Even before then, and in preparation of the amalgamation, the Assistant General Manager of the Andhra Bank Limited went over to the Bharat Lakshmi Bank Limited as its Secretary from 1st October 1963.

3. While so, a charge sheet was served upon Umapathy on 28th March 1964 in which six counts are set out. The first is that he had been in the habit of abusing his superior officers, particularly G. V. Narsimharao, Accountant, in the presence of the other staff. The second is that he had been instigating the other members of the staff not to obey the lawful orders of his superior officers, for instance, instigating Shroff Krishnamurthy not to pay on presentation of cheque by a constituent, Kotha Satyanarayana. The third is that Umapathy had demanded illegal gratification from Messrs City Central Automobiles to pass their bills. The fourth is that he was irregular in attendance and had tampered with markings in the attendance register. The fifth is that he had refused to receive communications and memos sent by the Agent in local tappals unless they were sent by registered post. The sixth is that he was found smoking while on duty at the counter during office hours. Later an additional charge-sheet dated 11th April 1964 was served upon Umapathy to say that he was guilty of misconduct in that he had on 8th April 1964 published in one of the Telugu Dailies Visalandhra from Vijayawada, the contents of the earlier charge-sheet, and had also made unauthorised disclosure of information regarding the affairs of the Bank and of its constituents. He was placed under suspension on the date the second charge-sheet was served. To the first charge-sheet Umapathy submitted an explanation dated 1st April 1964 saying that counts 4, 5 and 6 are vague and baseless. Referring to counts 1, 2 and 3 he said that they are "most appropriately correct and will be applicable to the Agent and the Accountant". He stated therein that he has material in his possession to prove corruption of these two officers. Umapathy challenged that he would be able to prove in an enquiry that those two officers are corrupt. Lastly, he added this:—

There is much to write but the given time 3 days is hard hit to my pen but excuse me as your precious time is being exploited.

I might in passing observe that the 'explanation' dated 11th April 1964 is in extreme bad taste. By memo dated 14th May 1964 Umapathy was informed that a domestic enquiry would be held on 22nd of that month at Vijayawada at the Governorpet Branch of the Bharat Lakshmi Bank Limited. It was only on 22nd April 1964 that Umapathy had submitted a fuller explanation, if his earlier letter dated 1st April 1964 could be called an explanation. In the explanation of 22nd April he denied all the charges.

4. In the domestic enquiry that followed 13 witnesses were examined in support of the charges. Umapathy had participated in that enquiry. The enquiry officer held the charges proved, and reported accordingly. By order dated 27th March 1965 the management dismissed Umapathy with effect from 11th April 1964, the latter being the date on which he was placed under suspension following his publishing the article in the Telugu Daily Visalandhra in its issue dated

8th April. As I stated earlier, Umapathy was concerned with the dispute in I.D. No. 31/1964 then pending before my learned predecessor. For that reason, again as I had stated earlier, the management paid Umapathy his one month's wages by money order and then came and filed M.P. No. 24/65 for approval of the action taken by it in dismissing Umapathy. The management stated in the petition that the domestic enquiry was fair and was in accordance with the principles of natural justice, and that Umapathy had participated in that enquiry. Umapathy filed counter in that petition to say that all the charges in the domestic enquiry were merely trumped up ones, that he was victimised for his trade union activities and that the domestic enquiry was merely a cloak under which to victimise him. In the petition under enquiry, viz., M.P. No. 48/65, which Umapathy filed under Section 33A of the Industrial Disputes Act, he complained that the management had contravened the provisions of section 33, that he was victimised, that the domestic enquiry had the stamp of *mala fides* on it. Therefore he claimed reinstatement. The management filed counter to it asserting that the domestic enquiry was fair and above board and in accordance with principles of natural justice, and that there was no contravention of the provisions of section 33.

5. It was convenient to dispose of both the petitions by joint enquiry. Any evidence was not tendered before me in this joint enquiry. Both sides addressed arguments on the basis of the record of the domestic enquiry alone. I would pass a separate order in M.P. No. 24/65 filed by the management under section 33(2) (b) of the Industrial Disputes Act. I am now proceeding to make an award in the petition under consideration, viz., M.P. No. 48/65 filed by Umapathy under Section 33A.

6. It has to be seen if, as complained in the petition under consideration, the management had contravened the provisions of section 33. Following a full-fledged domestic enquiry the management dismissed Umapathy. Why I say the domestic enquiry was fullfledged is 13 witnesses were examined on the side of the management and 15 witnesses were examined on the side of Umapathy, he himself being G.W. 15. There was cross-examination of witnesses. Mr. Sundararao who had assisted Umapathy in the domestic enquiry had cross-examined management's witnesses. So far as concerns the domestic enquiry and the evidence let in there, I am not to sit in judgment as a Judge would in appeal. What I have to see is whether the domestic enquiry was *prima facie* fair and *bona fide*. From a perusal of the record in the domestic enquiry it should be seen if the enquiry officer could reach the conclusions he had on the evidence before him. If on the same evidence it is possible to reach a different conclusion, it is not a ground for upsetting the conclusions reached by the enquiry officer. I have carefully re-read the record of the domestic enquiry, and I am of the view that the enquiry officer could reach the conclusions he had reached on the evidence before him. It is not as if the domestic enquiry was one sided. Umapathy had participated in it, and I will say it was a lively participation. It is easy to say that because Umapathy was engaging himself in trade union activities the management wanted to victimise him. Such an argument would always be available whenever the management wished to take disciplinary action for misconduct against a worker who is an active trade union man.

7. In the paragraph above I had said that on evidence in the domestic enquiry the enquiry officer could reach the conclusions he had reached. I will mention here one piece of conduct on the part of Umapathy which was certainly a piece of serious misconduct. That was the subject of the additional charge-sheet served upon him. I refer to his admittedly publishing a letter from him in Visalandhra in its issue of 8th April 1964 which is in Telugu. I am translating it in English as below:—

The actions of the management of the Bharat Lakshmi Bank against its employees are taking crazy turns. This company is going to be amalgamated in a short time with the Andhra Bank. The Assistant Secretary of the Bank is causing great hardship to the employees. He is concocting all sorts of false allegations against the employees and is putting them into the car of the Secretary with a view to hit at their livelihood. As a part of this evil design, charge was given to me that I had abused the superior officers, that I had instigated the other employees to disobey orders, that I had demanded illegal gratification from a constituent, that I come to the office late, that I had refused to receive charge-sheets and that I had smoked while on duty. The Agent and the Accountant at the Vijayawada Government Branch where I work are being coerced to render assistance

in the evil designs against me. Therefore I request the management to hold a public enquiry and punish the real offenders. Attempts are being made to manufacture false evidence and documents with the help of some constituents who have over-draft facilities with the Bank.

8. The tone and the impact of the above is easily seen. While the charges against Umapathy are pending enquiry he rushes to the press for airing his grievances and making allegations. There is the insinuation that the affairs of the Bank are not in honest hands. There is the insinuation that some officers of the Bank are corrupt and that it is worthwhile making an enquiry against them. There is the insinuation that the management is illtreating and is crushing its employees. There is the insinuation that false evidence and documents are being concocted by coercing constituents who have over-draft facilities. *Visa'andhra* is a widely read Telugu paper. The impact on public opinion would be grave, and the repercussions on the reputation of the Bank would be serious. The good reputation of a Bank is very important. If by means of the instance on hand the faith of the public is sought to be shaken in the integrity of the management and its officials, then any amount of damage could be done to the standing and position of a Bank. Certainly, this piece of conduct on the part of Umapathy was an instance of serious misconduct. Umapathy had admitted publishing that letter. Mr. K. Satyanarayana for Umapathy argued that the intention of publishing that letter was to protect the interests of the employees. Whatever be the underlying intention, what matters is the effect of the published letter upon the reading public. That is the point for consideration. I do not see how it was in the interests of the employees to make those series of insinuations as pointed out by me. As I said, it was a serious piece of misconduct on the part of Umapathy. The management did right in dismissing him. That is what I have held in my order made today in M.P. No. 24/65 in which I granted the necessary approval of the action taken in dismissing Umapathy.

9. When I have, as in the paragraph above, held that Umapathy was rightly dismissed by the management, then it is for him to show how the management had contravened the provisions of Section 33 of the Industrial Disputes Act. Umapathy has not been able to show anything in that behalf. After dismissing Umapathy the management had admittedly remitted one month's wages to him by money order, and they had also filed petition (M.P. No. 24/65) for approval of the action taken as directed by proviso to section 33(2)(b) of the Industrial Disputes Act. The management did not in any way contravene the provisions of section 33. Umapathy has no ground for complaint. He is not entitled to any relief. His petition M.P. 48/65 is dismissed.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 29th day of June 1966.

(Sd.) M. NAJIMUDDIN,  
Industrial Tribunal.

#### *Appendix of Evidence*

No oral or documentary evidence adduced on either side.

(Sd.) M. NAJIMUDDIN,  
Industrial Tribunal.

[No. 55(26)/66-LRIV.]

A. L. HANDA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 28th July 1966

**S.O. 2359.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Rajasthan in the industrial dispute between the employers in relation to the Jhar Silica Mine, Jhar and their workmen which was received by the Central Government on the 15th July, 1966.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, RAJASTHAN, JAIPUR  
PRESENT:

Shri J. S. Ranawat, Judge.

CASE NO. C.I.T. 11 OF 1965

REF.—Government of India, Ministry of Labour and Employment, New Delhi  
Order No. 24/31/65-LRI dated 18-10-65.

In the Matter of an Industrial Dispute

BETWEEN

The Jhar Silica Mines, Jhar, P.O. Banskho, District Jaipur

AND

The Jhar Banskho Silica Khan Mazdoor Union, P.O. Dausa, District Jaipur.

## APPEARANCES:

For the Company—Shri C. N. Sharma, Advocate.

For the Union—Shri Mohan Punamia.

Date of Award: 8th July, 1966

## AWARD

The following disputes between the employers of Jhar Silica Mine, Jhar and their workmen have been referred for adjudication under Section 10 of the Industrial Disputes Act, 1947:—

- (1) What should be the minimum rate of wages for workmen, both male and female employed by the management of Jhar Silica Mine, Jhar, Post Office Banskho, District Jaipur and from what date should the said rate of wages be brought into force?
- (2) Whether the demand of the workmen for having time scale of wages is justified? If so what should be the scale/scales for each category of workmen and from what date should the said scales of wages be brought into force?
- (3) Whether the demand of the workmen for paid holidays on account of national and religious festivals is justified? If so, what should be the number and days of such holidays?
- (4) Whether the demand of the workmen for sick leave with wages is justified? If so, what should be the number of days of such leave and the rate at which the workmen should be paid during such leave?
- (5) Whether the demand of the workmen for issual of labour cards to them is justified? If so, what action should be taken by the management?
- (6) Whether the demand of the workmen for dearness allowance of Rs. 5/- per month is justified? If so, to what extent and from what date?

As regards dispute No. 5 both the parties have agreed that the system of issue of labour cards as prevalent in other industries at Jaipur shall be introduced henceforth. A consent award on this issue is accordingly passed.

Coming to dispute No. 3 both the sides have agreed that seven paid holidays may be allowed and they are both unanimous about five of them namely Holi, Diwali, Dussera, Independence Day and Republic Day. As regards the remaining two holidays Shri Sharma suggests that two days may be allowed in a year as suggested from time to time by the union of the workmen. Shri Punamia for the union prays that Janmashtmi and May Day may be fixed as the other two holidays. There is thus hardly any difference between the parties on this issue as well. The employer is prepared to allow two days in addition to the five holidays mentioned above as suggested by the union and Shri Punamia is suggesting the aforesaid two holidays. The dispute is resolved practically for all purposes. However if and when the union desires to substitute some other days for these two holidays they are at liberty to do so. For the present seven paid holidays as mentioned above shall be allowed.

The union has not pressed dispute No. 2 about time scale of wages and no award need be passed in that connection.

As regards dispute No. 4 relating to sick leave Shri Punamia for the union prays that 15 days leave on full wages may be allowed to each workman in a year. Shri Sharma for the management has commented that the privilege of sick leave, if so allowed, is likely to be misused on spurious medical certificates and he suggests that sick leave of 12 days or 15 days at the most may be allowed on proper medical certificate on half wages. He thinks that only genuine cases will come up for sick leave by this safeguard of half wages and this privilege will not be ordinarily misused. There is some substance in what Shri Sharma suggests. I am inclined to allow sick leave for 15 days in a year to each individual employee on half wages as suggested by Shri Sharma.

As regards dispute No. 1 regarding minimum rate of wages, it may be noted that the existing wage in this concern for male workmen is Re. 1.62 Paisa per day and for female workmen Re. 1.08 Paisa per day. It is obvious that the existing wages are very low and deserve to be raised. The union has demanded Rs. 2.50 Paisa per day for a workman irrespective of his sex in addition to Rs. 5 p.m. as dearness allowance. The Mathur Committee which was appointed by the Government to examine the question of dearness allowance assumed a wage of Rs. 60/- p.m. as the minimum. In view of the prevailing conditions a wage below Rs. 60/- p.m. on its very face is unreasonable. It would thus be proper to fix the wage at Rs. 2.31 Paisa per day for each workman as the minimum wage in this concern irrespective of the sex. Fixation of this wage by itself would bring substantial increase in the wages of the workers. The minimum wages so fixed shall come into force with effect from 1st March, 1966 as agreed to by the management.

As regards dispute No. 6 regarding dearness allowance the workmen have demanded Rs. 5/- only as dearness allowance which is too meagre. Shri Sharma has suggested that the question of fixation of dearness allowance may be postponed for the present as the Government is examining this issue in connection with linking of dearness allowance with index numbers. Having regard to what has been suggested by Shri Sharma the question of fixation of dearness allowance may for the present be left open for determination in future after full investigation of the issue. This award shall only determine the wages of the workmen and would leave the question of dearness allowance for determination later on.

An award is passed as mentioned above. Let a copy thereof be submitted to the Central Government for publication.

(Sd.) J. S. RANAWAT,  
Judge, Central Government Industrial Tribunal,  
Rajasthan, Jaipur.  
[No. F. 24/31/65-LRI.]

### ORDERS

*New Delhi, the 27th July 1966*

**S.O. 2360.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Burhar and Amlai Collieries, Rewa Coalfields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

### SCHEDULE

Whether the management of Burhar & Amlai Collieries, Rewa Coalfields Limited, Dhanpuri (M.P.) is justified in terminating the services of Shri Bhaduwa son of Chanaya, loader, with effect from the 24th March 1966? If not, to what relief is the workman entitled?

[No. 5/30/66-LRII.]

*New Delhi, the 29th July 1966*

**S.O. 2361.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kothagudium Division, Singareni Collieries Company, Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government consider it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Sri Mohammad Najmuddin as the Presiding Officer, with Headquarters at Afzal Lodge, Tilak Marg, Ramkote, Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

- (i) Whether the management was justified in terminating the services of the following Lorry Drivers in Yellandu Colliery with effect from the 30th April, 1966 and if not, to what relief are they entitled? Whether they should be confirmed in their posts in view of the service put in by them and, if so, with effect from which date?

1. Shri Bisram.
2. Shri Balamrutham
3. Shri Md. Issac
4. Shri Shrifuddin.
5. Shri Khajamia.
6. Shri Rameswar Sarma.
7. Shri Sommalah.

- (ii) Whether Shri G. Raghavulu, Lorry Driver, is entitled to be confirmed, and if so, with effect from which date?

[No. 7/26/66-LRI.]

*New Delhi, the 1st August 1966*

**S.O. 2362.**—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before Shri Kundan Lal Gosain, Presiding Officer, Industrial Tribunal, Chandigarh, Punjab.

And whereas Shri Kundan Lal Gosain has retired and on relinquishing the charge of the post of Presiding Officer, Industrial Tribunal, Punjab, held by him, Shri Ishwar Das Pawar, has assumed charge as Presiding Officer, of the said Industrial Tribunal.

And, whereas for the ends of justice and convenience of parties, the disputes specified in the Schedule hereto annexed should be disposed of without further delay;

Now, Therefore, in exercise of the powers conferred by section 7A and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Ishwar Das Pawar as the Presiding Officer with Headquarters at Chandigarh and withdraws the proceedings in relation to the said disputes from Shri Kundan Lal Gosain, and transfers the same to Shri Ishwar Das Pawar, Presiding Officer, Industrial Tribunal, Punjab, for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the said proceedings from the stage at which they are transferred to it and dispose of the same according to law.

#### SCHEDULE

S. No.	Parties to the dispute	Reference No. and date to Industrial Tribunal	S.O. No. of Gazette
			Year of Publication
1	Dalmia Dadri Cement Limited, Charkhi Dadri, Punjab and their workmen.	36/2/65-LRI dated 9th August, 1965.	2541/65
2	Quarries of Messrs Bhupendra Cement Works, Surajpur and their workmen.	36/37/65-LRI 2nd March, 1966	749/66

[No. 36/37/65-LRI.]

H. C. MANGHANI, Under Secy.

**(Department of Labour and Employment)***New Delhi, the 1st August 1966*

**S.O. 2363.**—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri S. K. Mukherjee as Inspector of Mines subordinate to the Chief Inspector of Mines and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 531, dated the 2nd March, 1961, namely:—

In the said notification the following entry shall be added at the end, namely:—

“(90) Shri S. K. Mukherjee.”

[No. 8/4/66-MI.]

R. C. SAKSENA, Under Secy.

**CORRIGENDA***New Delhi, the 28th July 1966*

**S.O. 2364 PWA/Sec. 14/Min/66.**—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1674, dated the 30th May, 1966, published in Part II, Section 3(ii) of the Gazette of India dated the 4th June, 1966, at pages 1532-1536,—

- (i) at page 1533, in item III(10), for “Labour Enforcement Officers (Central), in cutta region with headquarters Calat” read “Labour Enforcement Officers (Central), in Calcutta region with headquarters at:—”; and
- (ii) at page 1535, in item VIII(5), for “Assistant Labour Commissioner (Central) Hyderabad-I” read “Assistant Labour Commissioner (Central), Hyderabad (Headquarters-I)”.

[No. 535/51/65-Fac.]

VIDYA PRAKASH, Dy. Secy.

**(Department of Rehabilitation)****Office of the Chief Settlement Commissioner)***New Delhi, the 18th July 1966*

**S.O. 2365.**—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Tej Singh, P.C.S., Land Claims Officer, Rehabilitation Department, Punjab Government, so long as he holds that post, to be an Asstt. Settlement Commissioner in the State of Punjab, for the purpose of performing, in addition to his own duties as Land Claims Officer, Rehabilitation Department, Punjab Government, the functions assigned to an Assistant Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the Compensation Pool.

[No. F. 3(9)/L&R-66.]

*New Delhi, the 21st July 1966*

**S.O. 2366.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Gujarat, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.



Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

#### A SCHEDULE

All properties in the States of Gujarat, Maharashtra, Madras, Mysore, Andhra Pradesh, and Kerala which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June, 1966 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 1(27)/Comp. & Prop/61.]

**S.O. 2367.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Uttar Pradesh for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the schedule hereto annexed.

#### A SCHEDULE

All properties in the State of Uttar Pradesh which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 30th June, 1966 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 2(21)/Comp. & Prop /61.]

**S.O. 2368.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Punjab for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

#### THE SCHEDULE

All properties in the State of Punjab which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June, 1966 in respect of which appeals have not been filed, and if filed, have been rejected by the Appellate Officer concerned.

[No. 16(18)/58-Prop. II. Comp.]

**S.O. 2369.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the States of Delhi, Madhya Pradesh, Bihar and Orissa for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the Evacuee Properties specified in the schedule hereto annexed.

#### A SCHEDULE

All properties in the states of Delhi, Madhya Pradesh, Bihar and Orissa, which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 30th June, 1966 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 22(14)Comp. & Prop./61.]

**S.O. 2370.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Rajasthan for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the schedule hereto annexed.

#### A SCHEDULE

All properties in the State of Rajasthan which have vested in Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 30th June, 1966 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer

[No. 22(13)/Comp & Prop./61.]

*New Delhi, the 26th July 1966*

**S.O. 2371.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi Shri M. L. Vij, Assistant Settlement Officer in the office of Regional Settlement Commissioner, New Delhi as Managing Officer for the custody, management and disposal of compensation pool with effect from 10th June, 1966.

[No. 8/81/AGZ/66.]

**S.O. 2372.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri R. K. Malik as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 3/84/AGZ/66.]

**S.O. 2373.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri N. B. Gorwaney as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the forenoon of 1st July, 1966.

[No. 6(2)AGZ/66.]

*New Delhi, the 29th July 1966*

**S.O. 2374.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri S. P. Sud, Assistant Settlement Commissioner, as Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act with effect from 23rd June, 1966.

[No. 6(4)ARG/60.]

A. G. VASWANI,

Settlement Commissioner (A) & *Ex-Officio* Under Secy.